National Park Service
U.S. Department of the Interior
National Historic Landmarks Program

THE ERA OF RECONSTRUCTION 1861-1900

A National Historic Landmarks Theme Study

Cover: *Significant Election Scene at Washington,* June 3, 1867. Sketch by A.W. M'Callum. *Harper's Weekly* (June 22, 1867): 397. Courtesy of Library of Congress Prints & Photographs Division, Washington, DC.

THE ERA OF RECONSTRUCTION, 1861-1900
A National Historic Landmarks Theme Study

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Produced by:

The National Historic Landmarks Program

Cultural Resources

National Park Service

U.S. Department of the Interior

Washington, DC

2017

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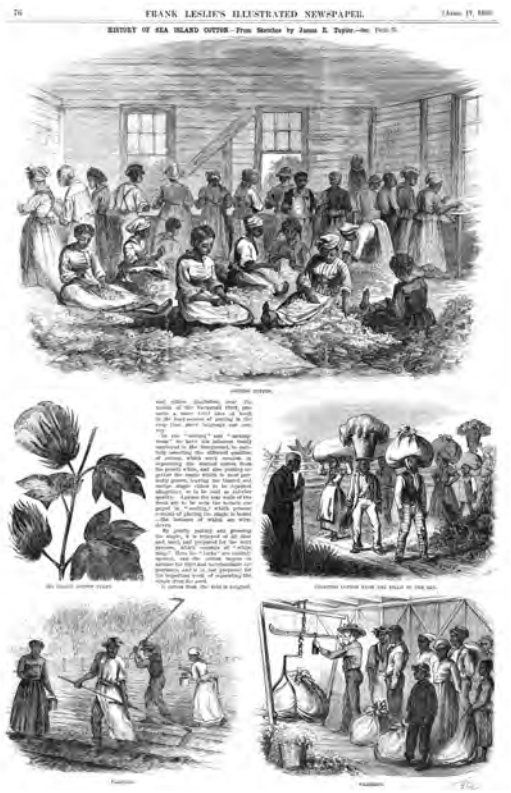
A. INTRODUCTION

Reconstruction, ca. 1867. Grand allegory of Reconciliation of North and South through Federal Program of Reconstruction. Lithograph by John Lawrence Giles. Courtesy of Library of Congress Prints & Photographs Division[1], Washington, DC.

[1]Hereafter cited as LOC P&P.

In 1862, an enslaved South Carolinian named Robert Smalls began a long public career that would capture the exciting and tragic dynamics of Reconstruction. After surreptitiously navigating a Confederate ship through Charleston Harbor and turning it over to the US government, Smalls began working as a pilot for the US Navy. He soon returned to his native Beaufort, purchased his master's old house, and ran for office. In a career that spanned three decades, Smalls helped rewrite South Carolina's constitution, served in the state legislature, and won election to the US Congress five times. These remarkable accomplishments would have been inconceivable for a former slave at any previous time in US history.[2]



History of Sea Island Cotton, 1869. Illustrations by James E. Taylor. Courtesy of LOC P&P.

From the rice plantations of the Sea Islands to the Cotton Belt of the Mississippi Delta, African Americans helped destroy slavery and subsequently worked to build a new order on the ruins of the old. In Washington, DC, lawmakers crafted constitutional amendments that permanently abolished slavery, established birthright citizenship and defined civil rights, and made the right to vote a matter of national concern. Southern states created their first systems of public education; people who had been slaves negotiated employment contracts with their former owners; African Americans searched out family members torn from them by the slave trade; and white Southerners struggled to come to grips with the losses they had experienced. A nation long shaped by the interests of slave owners had suddenly experienced a new birth of freedom.[3]

Despite the importance of Reconstruction, many Americans know very little about it. And what they do know is often outdated or inaccurate. Historians once portrayed the period as a failure and defined it narrowly as the period between 1865 and 1876. Now they see its broad triumphs and also its long reach; Reconstruction began during the Civil War and lasted until the dawn of Jim Crow in the 1890s. This was one of the most dynamic, inspiring, heart-rending, and transformative periods in American history. It was in many ways the nation's Second Founding. As in the era of the American Revolution, Americans grappled with profound questions: What kind of country would this be? What kind of political system should govern it? What were the rights of citizenship, and who could be a citizen? The Revolutionary generation had ultimately accepted human bondage as part of the nation's fabric. During the Reconstruction era, Americans destroyed slavery and struggled earnestly—if not always successfully—to build a nation of free and equal citizens.[4]

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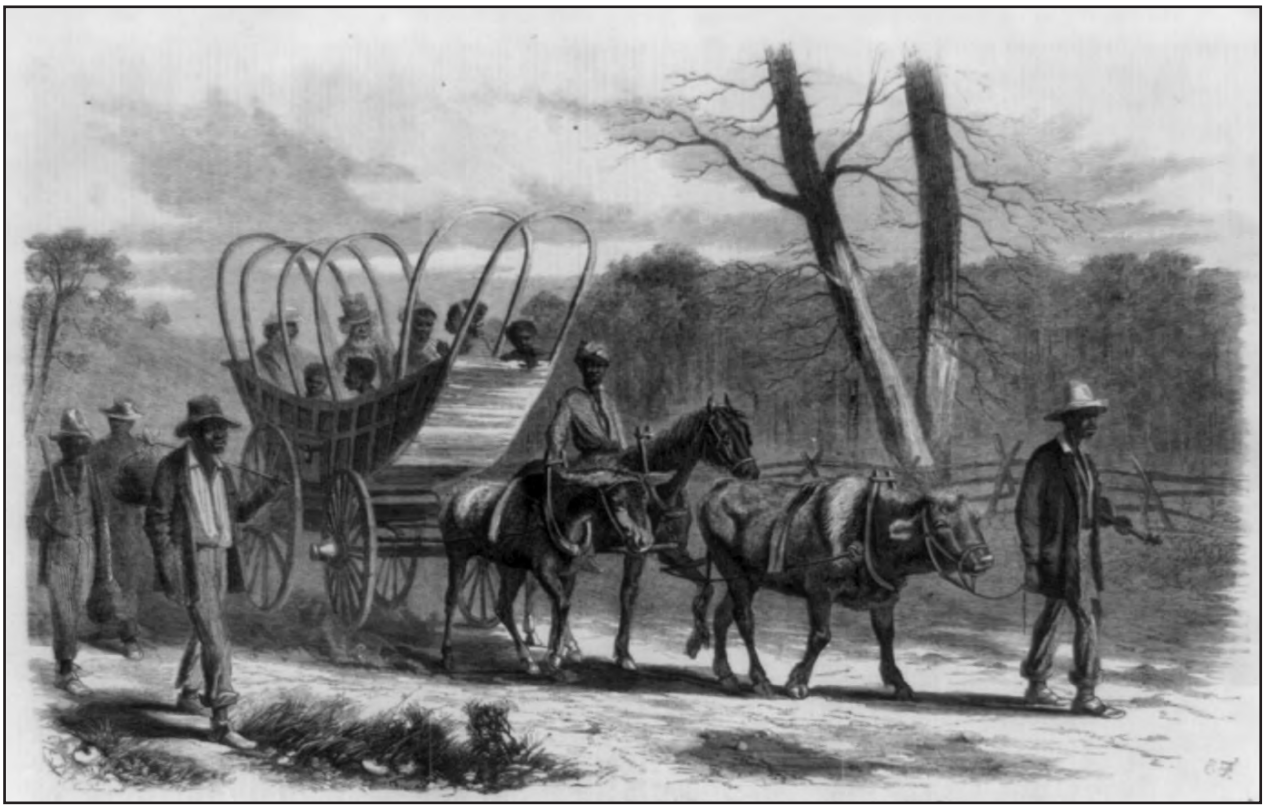
[2]Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper and Row, 1988), 62, 72, 357.

[3]Steven Hahn, *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration* (Cambridge, MA: Harvard University Press, 2003), 4-6.

[4]Foner, *Reconstruction*, xvii-xxv.

Reconstruction began when the first US soldiers arrived in slaveholding territory, and enslaved people escaped from plantations and farms, some of them fleeing into free states, and others trying to find safety with US forces. At Fort Monroe (National Historic Landmark [NHL], 1960) on the Virginia coast, three enslaved men—Frank Baker, Shepard Mallory, and James Townsend—rowed toward US forces commanded by Major General Benjamin Butler on May 23, 1861, months before the Battle of Manassas. Butler sheltered the escapees, refusing slave owners' demands to surrender them. Word traveled quickly among slaves in the area, and by early June five hundred runaway slaves lived and worked at the fort. From the beginning of the war, slaves' flight provoked profound questions about whether the US government's obligation was to slave owners or to the enslaved people who persistently sought freedom for themselves and their families.[5]



The War in Virginia - Contrabands Coming in to Union Camp, 1864. *Frank Leslie's Illustrated Newspaper* 18, no. 464 (August 20, 1864): 340. Courtesy of LOC P&P.

As US forces occupied areas of the Confederacy, Americans also confronted the question of what sort of labor system would replace slavery. In a "rehearsal for Reconstruction" on the vast plantations near Beaufort, Hilton Head, and the neighboring South Carolina Sea Islands, freedpeople, northern missionaries, the US Army, and investors attempted to build a society founded on free labor. As the United States captured parts of the Mississippi Valley in 1862 and

[5]Hahn, *Nation Under Our Feet*, 69-71.

1863, the crucial battlegrounds of Reconstruction shifted to the Southwest, where planters resisted both the US occupation and slaves' growing demands for freedom. Like so many Americans dating back to the earliest days of British settlement, former slaves hoped to farm their own land and grow food crops to support their families and communities. Merchants and planters alike, however, believed the future of the South was in cash crops grown on large plantations, and they sought ways to get staple production back on its feet. Amid such conflicting priorities, different solutions emerged at different times and places. Near the end of the war, tens of thousands of freedpeople along the Carolina and Georgia coasts gained temporary access to small plots of land through Major General William Sherman's famous Field Order No. 15, but most freedpeople were destined to work for white landowners, either for wages or for a share of the crop.[6]

Another crucial question troubled policymakers during the war. When would the states that had joined the Confederacy be allowed to return to their normal representation in Congress? The Constitution provided no clear roadmap for dealing with the end of the Civil War. President Lincoln pushed for the passage of the Thirteenth Amendment, which outlawed slavery across the nation, and Congress passed it in January 1865. Lincoln also experimented with setting terms for restoration of the Rebel states. He had raised and then seemingly put aside the question of voluntary colonization of freedpeople outside the United States. He had approved nascent reorganized state governments that did not extend suffrage to freedmen, but then had in his final speech suggested extending the vote to some African American men. How Lincoln would have managed Reconstruction can never be known. His death on April 15, 1865, abruptly changed the course of Reconstruction, bringing to office Andrew Johnson, a Tennessee Unionist who, although a former slave owner, had made his career as an opponent of the planter elite.[7]

For more than two years, President Johnson struggled with Republicans in Congress over how to answer the momentous questions raised by the Civil War and the abolition of slavery. Johnson believed he was entitled to set the terms under which states reentered the nation. Acting boldly while Congress was out of session, in spring 1865 he appointed provisional governors in former Confederate states, including some dissidents like North Carolina publisher William Holden, who had turned against the war by 1863, and some who opposed secession like Mississippi's William Sharkey and some secession opponents who then served the Confederate cause like South Carolina's Benjamin Perry. Johnson instructed the new governors to call constitutional conventions that would remake their state governments. He wanted the states to take certain steps to show that they honored the authority of the US government: abolish slavery, ratify the Thirteenth Amendment, repeal secession, and repudiate Confederate debts. Yet he did not insist that they allow black men to vote. Johnson at first barred wealthy ex-Confederates from taking part in the process, hoping that Unionist yeomen would take control of southern politics. But he soon began granting wholesale pardons to planters. All-white electorates in the states proceeded to elect new officials, many of them former secessionists and Confederate leaders, including former Confederate Vice President Alexander Stephens. The new state governments in turn passed Black Codes that excluded African Americans from testifying in court and criminalized

[6]Willie Lee Rose, *Rehearsal for Reconstruction: The Port Royal Experiment* (New York: Oxford University Press, 1976).

[7]William C. Harris, *With Charity for All: Lincoln and the Restoration of the Union* (Lexington: University Press of Kentucky, 1997).

them if they tried to secure new contracts. Although Johnson occasionally complained of the states' extremism, he nonetheless encouraged Congress to accept them back into the Union by seating the senators and representatives they sent to Washington.[8]

At the same time, white planters led campaigns of violence to intimidate freedpeople into submission and undermine their ability to negotiate the conditions in which they lived and worked. Against this terror and the Black Codes, the army and Freedmen's Bureau, an agency established by Congress in March 1865 to oversee the transition from slavery to freedom, intervened to protect individual freedpeople and, at times, overrule discriminatory laws. Meanwhile, African Americans organized conventions and called for measures that would help guarantee them basic freedoms that whites often took for granted, including the rights to vote, to organize their own churches, to live with whom they pleased, to send their children to school, and to own land.[9]

Backed by freedpeople's lobbying and a stream of reports of violence in the South, Congress fought Johnson's plan. When Congress reconvened, the Republican majority began by refusing to seat the delegates from Johnson's state governments. From there followed a remarkable outpouring of legislation that transformed federal law and the US Constitution and remade the relationship between citizens and their government. In the first several months of 1866, congressional Republicans passed the first federal civil rights law, authorized the army to protect African Americans and agents of the US government in the South, and extended the life of the Freedmen's Bureau. Most crucially, Congress passed the Fourteenth Amendment, which established that all people born in the United States were US citizens with equal rights and protections under the law and authorized the federal government to overturn violations of these rights by the states.[10]

After a resounding victory in the 1866 midterm elections, congressional Republicans launched a sweeping effort to remake the former Confederacy. Dividing the region into military districts, Congress passed legislation instructing the army to help register African American men as voters and to create new biracial governments in the South. In the Republicans' view, temporary military rule was justified because conditions in the region remained so chaotic and because some white Southerners remained so hostile to the US government. When President Johnson impeded Republican goals in 1866 and 1867 by vetoing the Civil Rights Bill, the Freedmen's Bureau extension, and the Military Reconstruction Acts, Republicans repeatedly overruled his vetoes. When Johnson sought to use his power as commander in chief to undermine a congressional act, the House of Representatives impeached him in 1868 and the Senate came within one vote of conviction. Johnson's time in the spotlight was over. In 1868 the Republicans, bolstered by the votes of African American men in the South, elected Ulysses S. Grant to the presidency. Congress soon passed the Fifteenth Amendment, which stated that male citizens' right to vote could not be "denied or abridged" based on "race, color, or previous condition of servitude."[11]

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[8]Foner, *Reconstruction*, 176-84.

[9]Hahn, *Nation Under Our Feet*, 163-215, 265-311.

[10]Foner, *Reconstruction*, 228-60.

[11]Ibid., 261-80.

The federal government's effort to bring democracy to the South inaugurated a wholly new kind of popular politics in the years after 1867. Suddenly a very large group of people who had never been permitted to cast ballots or nominate candidates could participate as equals. Before the Civil War, southern politics had been dominated by planters associated with the Democratic Party. Most freedpeople immediately after the Civil War became Republicans, allying themselves with the party that had defeated the Confederacy and demanded the abolition of slavery. Republicans from 1868 onward began electing African American men to office, particularly in areas of the South where the black population was proportionately large. About 2,000 black men held local political offices between the Civil War and the end of the century, and seventeen were elected to Congress, including two to the United States Senate. At the same time, a disproportionate number of Republican officeholders were white, not just Northerners and army officers but native white Southerners who allied for different reasons with the Republican Party. For some, like the Settle family in North Carolina, their longstanding opposition to the Democratic Party led them into alliances with black organizers that lasted for two generations. Most famously, Confederate Major General James Longstreet urged fellow former rebels to join the Republican Party in order to moderate it. Longstreet held federal office in Louisiana, but he was mocked and derided for his decision. In Upper South states like North Carolina, Tennessee, and Arkansas, significant numbers of whites—especially in the mountainous regions—joined and often dominated the Republican Party, turning it into a vehicle for their longstanding critiques of planter power and electing white southern Republican governors like William Holden in North Carolina and William G. Brownlow in Tennessee. Optimistically, some Republicans hoped that longstanding upcountry white resentment of planters and programs of education and economic development would draw middling whites into an alliance with African Americans and keep Republicans in power.

In the late 1860s and early 1870s, Republican state governments adopted policies that Democrats had long resisted. They raised money by taxing large landholdings and they passed laws that favored debtors over creditors. They invested tax money in public school systems for white and black children and in railroad and other infrastructure projects.[12]

Yet the democratic processes that Republican legislators in Washington hoped to establish—freely chosen votes, fairly counted ballots, and peaceful transitions of power—did not materialize. Many white Southerners believed the new, biracial regimes had been illegally imposed on them by the US government and felt justified in resisting. Democrats, sometimes through organizations such as the Ku Klux Klan, resorted to intimidation, violence, and fraud to influence the outcome of elections. African Americans sometimes found ways to fight back, organizing into militias that fought force with force. In the end, however, the survival of democratically elected governments in the South depended on the federal government's willingness to protect African Americans' right to vote. Although Congress passed the Fifteenth Amendment to guarantee black male suffrage, and passed "enforcement" laws in the early 1870s to make suppression of the vote a federal crime, the government was ill-equipped to suppress southern violence. For a short time, the US Army supported Republican state governments under assault by Democrats and the

[12]Ibid., 281-90, 364-79.

paramilitary organizations that supported them, but such use of the military in civil affairs became increasingly unpopular among northern voters.[13]

President Grant and other Republicans became even more wary of using military force in the South after a devastating economic crisis in 1873 fueled a Democratic sweep in the 1874 midterm elections. Without the army to support them, Republican state governments collapsed. During a protracted crisis over counting the ballots for the 1876 presidential election, Democrats claimed to have won control of the few southern states that remained under Republican leadership. By the spring of 1877, in what some have called a compromise, Republican Rutherford B. Hayes was in the White House, but Democrats controlled all the ex-Confederate states. After 1877, Republican politicians occasionally deployed troops at the polls and investigated crimes against voters, but their efforts were not enough. As the Supreme Court narrowed the scope of the recent constitutional amendments, freedpeople in the South could no longer look to the US government for assistance in defending their rights.

During the 1880s and 1890s, Republicans in Congress had neither the power or the will to enforce African Americans' rights where they were most under siege. In many areas, however, particularly those with large African American majorities, black men continued to vote and to win election to local offices. Where white farmers resisted political domination by planters, a three-way split among planters, freedpeople, and white farmers created possibilities for cross-racial political alliances including the Readjuster Party in Virginia and, later, the Populists.

But African Americans' assertions of rights and dignity were often met with intense violence; about two to three blacks were lynched per week in the South. Scholars estimate that white Southerners lynched about thirty-five hundred black people between the 1880s and 1950s, including five hundred in Mississippi alone. African Americans and their white allies protested. Ida B. Wells, a Memphis-based activist and journalist, published powerful pamphlets that documented racial violence and discredited the argument—frequently made by white people—that black men were animal-like beasts intent on sexually assaulting white women. Amid threats on her life, Wells moved to Chicago and continued her campaign, both in the United States and abroad.[14]

Although the visions of freedom and racial equality that guided the nation's Second Founding had not disappeared, a racist and elitist ideal was now ascendant. In the 1890s, southern Democrats passed a wave of state laws designed to disenfranchise black men and establish that African Americans were a separate and unequal caste of people. Robert Smalls, the freedman who had piloted a Confederate ship into Union lines in 1862, was one among many who tried to stem the tide. "Let us make a Constitution for all people, one we will be proud of and our children will receive with delight," he urged South Carolina's constitutional convention of 1895. His efforts

[13]Ibid., 412-59.

[14]Leon F. Litwack, *Trouble in Mind: Black Southerners in the Age of Jim Crow* (New York: Knopf, 1998), 280-99; *Lynching in America: Confronting the Legacy of Racial Terror* (Montgomery, AL: Equal Justice Initiative, 2015); Paula J. Giddings, *Ida: A Sword among Lions: Ida B. Wells and the Campaign against Lynching* (New York: Amistad, 2008), 211-29.

were unavailing. When the Supreme Court accepted the constitutionality of racial segregation in its 1896 *Plessy v. Ferguson* decision and disenfranchisement two years later in *Williams v. Mississippi*, Reconstruction seemed at an end. In a terrible, telling sign of what was to come, white Democrats in Wilmington, North Carolina, launched a violent coup in 1898 that forced the biracial Republican-Populist government from power and, in the process, killed dozens—and perhaps hundreds—of black North Carolinians.[15]

Jim Crow segregation, African American disenfranchisement, and labor exploitation characterized the South in the first five decades of the twentieth century. Some African Americans managed to escape to the North and West or to all-black towns where they could govern themselves independently. Most had no choice but to stay. In 1901, the era's last African American congressman—George White of North Carolina—finished his term knowing that something significant was coming to an end. In his farewell speech, he emphasized that Reconstruction had accomplished a great deal. Since the end of slavery, African Americans had accumulated almost a billion dollars in personal and real property, raised millions of dollars for education, and created 20,000 churches and thousands of schools, he said. The production of cotton in the South had more than doubled. Yet white opposition was unrelenting. Southern African Americans faced lynching, mobbing, and the systematic denial of their political and economic rights. Congressman White concluded, "This, Mr. Chairman, is perhaps the negroes' temporary farewell to the American Congress; but let me say, Phoenix-like he will rise up some day and come again."[16]

Among black Americans, Reconstruction's spirit never died. A half-century later, in a mass civil rights movement that drew in part upon the networks and principles forged during Reconstruction, African Americans called for the delivery of the promises of that earlier era. In *Brown v. Board of Education,* the Supreme Court rediscovered the powers of the Fourteenth Amendment. Backed by the US Army in Little Rock, Arkansas, and Oxford, Mississippi, the federal government enforced Court rulings by drawing upon Reconstruction laws and constitutional amendments. And in 1964 and 1965, Congress passed new civil and voting rights laws that aimed to dismantle Jim Crow.

Reconstruction offers Americans messages that are at once heartening and disheartening. It reminds us that American values of democracy, freedom, and equality are not simply slogans or legal doctrines. They are processes that must be defended and are subject to negotiation and redefinition, not just by the government, but by the people themselves.

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[15]Paul Escott and David R. Goldfield, eds., *Major Problems in the History of the American South*, vol. 2, *The New South* (Lexington, MA: D. C. Heath, 1990), 182-83; Glenda Elizabeth Gilmore, *Gender and Jim Crow: Women and the Politics of White Supremacy* (Chapel Hill: University of North Carolina Press, 1996), 110-22.

[16]George H. White, *Defense of the Negro Race—Charges Answered. Speech of Hon. George H. White, of North Carolina, in the House of Representatives, January 29, 1901* (Washington, DC: Government Printing Office, 1901), 14, http://docsouth.unc.edu/nc/whitegh/whitegh.html.

B. HISTORIC CONTEXTS
PART ONE: LAND AND LABOR

The New South - The Triumph of Free Labor. Print shows African Americans and Civil War veterans in a crowd passing the statue of Abraham Lincoln on their way to the Cotton States Exposition. Artist Udo J. Keppler. *Puck* 38, no. 972 (October 23, 1895): centerfold. Courtesy of LOC P&P.

As wartime conditions loosened the bonds of slavery, black and white Southerners began a delicate and protracted process of remaking the conditions of life and labor. Freedpeople across the South—like many whites—aspired to own land and grow food crops. Like rural people around the globe, they envisioned themselves as subsistence farmers, hoping to raise enough to feed themselves and their families and perhaps grow some staple crops for sale. Across the South, freedpeople also expressed a desire to stay on the land they knew; many believed they had a right to that land, having worked it so long with no compensation. After decades under race-based slavery, they also sought a measure of independence from white people in particular. Working for themselves, as opposed to under white supervision, was especially important to them.

The impact of the war upon land and labor in the South was evident from the war's first days. A month after the attack on Fort Sumter, slaves working at Confederate military fortifications in Virginia escaped to US-occupied Fort Monroe. After Major General Benjamin Butler refused to allow their masters to retrieve them, hundreds more followed, establishing a vast colony of escapees from slavery in the neighboring town of Hampton. US military officials and northern journalists soon began calling the runaways "contraband of war." The term was widely used in international law but novel in its application to people; it suggested the runaways' in-between and somewhat uncertain legal status. Their former owners no longer held them as property, and yet the US government had yet to ratify their freedom. As the United States captured additional forts and territory on the Atlantic Coast in the winter of 1861-1862, freedpeople moved to newly reconquered bases establishing encampments, often known as "contraband camps," near New Bern, North Carolina; Beaufort, South Carolina; and the Sea Islands of South Carolina and Georgia, among other places. With the United States victory in New Orleans in April 1862, thousands of former slaves along the Mississippi River came under the management of the federal government. At many of these sites, ex-slaves, US Army officers, missionaries, northern businessmen, and their former masters negotiated over terms of labor and land possession. In Mitchelville on Hilton Head Island, former slaves established a self-governing community amid the military occupation. Elsewhere, as in the vast Trent River settlement near New Bern, US Army officials and missionaries regulated new settlements. Along the Mississippi River, the US Army often tried to force planters and freedpeople alike to stay on the land and shift to a military-regulated wage system. Everywhere the US Army went, freedpeople struggled to claim greater autonomy and to reconstruct families, while planters tried to enlist the military in efforts to restore their former power.[17]

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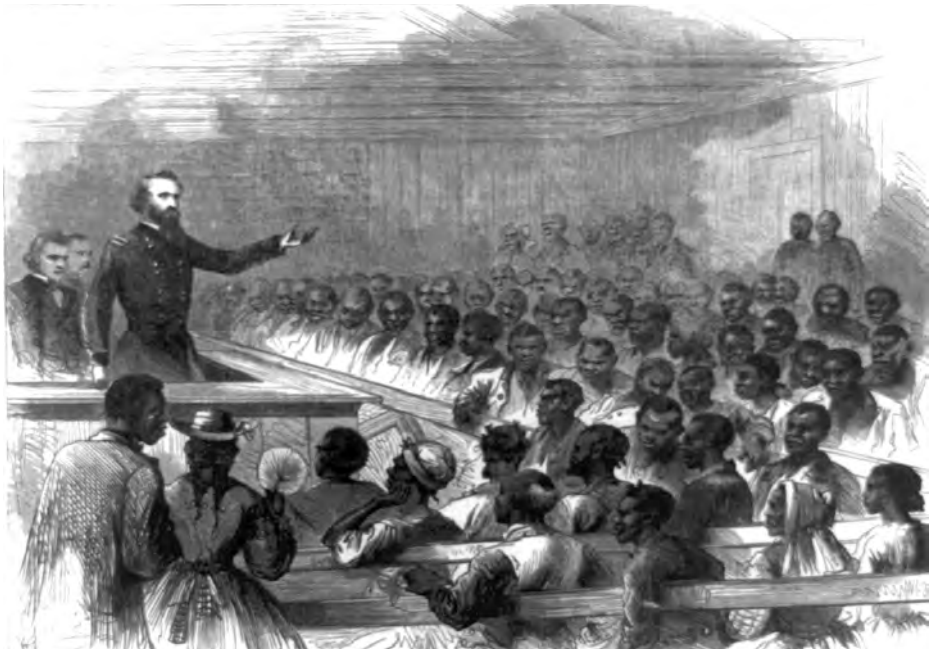
[17]These dynamics are detailed generally in Ira Berlin et al., *Slaves No More: Three Essays on Emancipation and the Civil War* (New York: Cambridge University Press, 1992). Studies of relevant locales include Robert F. Engs, *Freedom's First Generation: Black Hampton, Virginia, 1861-1890* (Philadelphia: University of Pennsylvania Press, 1979); Patricia C. Click, *Time Full of Trial: The Roanoke Island Freedmen's Colony, 1862-1867* (Chapel Hill: University of North Carolina Press, 2001); Willie Lee Rose, *Rehearsal for Reconstruction: The Port Royal Experiment* (New York: Oxford University Press, 1976); and John C. Rodrigue, *Reconstruction in the Cane Fields: From Slavery to Free Labor in Louisiana's Sugar Parishes, 1862-1880* (Baton Rouge: Louisiana State University Press, 2001). For Mitchelville, South Carolina, see Stephen R. Wise and Lawrence S. Rowland, *Rebellion, Reconstruction, and Redemption, 1861-1893* (Columbia: University of South Carolina Press, 2015), esp. 419-20. For a close study of interactions between escaping slaves and US soldiers during one campaign, see Glenn D. Brasher, *The Peninsula Campaign and the Necessity of Emancipation: African Americans and the Fight for Freedom* (Chapel Hill: University of North Carolina Press, 2012). For US soldiers' encounters with slaves more generally, see Chandra Manning, *What This Cruel War Was Over: Soldiers, Slavery, and the Civil War* (New York: Knopf, 2007).



Generals Steedman and Fullerton Conferring with the Freedman in Their Church at Trent River Settlement. Illustration by Theodore R. Davis. *Harper's Weekly* (June 9, 1866): 361. Courtesy of LOC P&P.

Green-Meldrim House, 2005. Courtesy of KmF164, Wikimedia Commons.

Many of these tensions were on display in the famous meeting between Major General William T. Sherman and a group of black religious leaders in the Savannah, Georgia, home of Charles Green (Green-Meldrim House, NHL, 1976).[18] On January 12, 1865, Sherman and Secretary of War Edwin Stanton asked a group of black ministers what freedpeople wanted. Reverend Garrison Frazier responded that freedom meant "taking us from under the yoke of bondage, and placing us where we can reap the fruit of our own labor, take care of ourselves and assist the Government in maintaining our freedom." The "best way" they could "take care of ourselves" was "to have land, and turn it and till it by our own labor….We want to be placed on land until we are able to buy it and make it our own." When asked whether they would live "scattered among the whites or in colonies by yourselves," many agreed that they preferred to live "by ourselves, for there is a prejudice in the South that will take years to get over."[19]

This 1865 meeting helped spark one of the most ambitious experiments in remaking land and labor in the former Confederate states. Sherman, hoping to disperse the thousands of slaves who had followed his army on its march through Georgia in hopes of securing their freedom, offered to give freedpeople "license" to settle on abandoned plantations, allowing them up to forty acres per family. Sherman's Special Field Order 15 marked one of the few moments that the US government attempted to distribute land to former slaves. On the Sherman reserve, freedpeople immediately began settling land and farming for themselves.[20]

Elsewhere the story was far different, and even the Sherman reserve would quickly come to grief. In most places in the former Confederacy, as the Civil War ended white Southerners remained in possession of the lands they had held before the war. In some places, however, planters and farmers had fled, and freedpeople and others had taken up residence and were building communities on their own terms. And in some instances, the US government had confiscated land belonging to individual Confederates. By the end of the war, then, freedpeople had established themselves on land and were farming in places like Roanoke Island, North Carolina, the outskirts of Norfolk, Virginia, and in some locations along the Mississippi River.[21] For a brief period in 1865 it was unclear whether prominent Confederates would be permitted to reclaim such confiscated land. But former Confederates found a willing ally in President Andrew Johnson, who assumed office on April 15, 1865, after Lincoln's assassination. Although Johnson initially excluded large landholders in the Confederate states from general amnesty—thus raising hopes that he would demand that they turn over part of their lands in exchange for pardons—his actions soon disappointed freedpeople and their allies. In the ensuing months, Johnson pardoned thousands of former Confederates and, in the process, allowed them to repossess land confiscated by the government. In October, he ordered the head of the Freedmen's Bureau, Major General O. O. Howard, to restore the Sherman reserve lands to their former owners once he had pardoned them. By January 1866, the Freedmen's Bureau—which was charged with administering

[18]The house was Sherman's Headquarters during the US Army occupation.

[19]"Newspaper Account of a Meeting between Black Religious Leaders and Union Military Authorities," *New York Tribune,* February 13, 1865, http://www.freedmen.umd.edu/savmtg.htm.

[20]Foner, *Reconstruction,* 70-71.

[21]The Roanoke Island colony is now interpreted at the Fort Raleigh National Historic Site.

THE FREEDMAN'S BUREAU!
AN AGENCY TO KEEP THE NEGRO IN IDLENESS AT THE EXPENSE OF THE WHITE MAN.
TWICE VETOED BY THE PRESIDENT, AND MADE A LAW BY CONGRESS.
SUPPORT CONGRESS & YOU SUPPORT THE NEGRO. SUSTAIN THE PRESIDENT & YOU PROTECT THE WHITE MAN
IN THE SWEAT OF THY FACE SHALT THOU EAT THY BREAD
Freedman's Bureau!
Negro Estimate of Freedom!
NEGRO TROOPS
$300
Each as a Bounty
WHITE Veterans
$100
Each as a Bounty.
$6,944,500
HEAVY TAXES, HARD LABOR
For 1864 and 1865, the FREEDMAN'S BUREAU cost the Tax-payers of the Nation, at le
TWENTY-FIVE MILLIONS OF DOLLARS.
For 1866, THE SHARE of the Tax-payers of
Pennsylvania will be about ON
ON OF DOLLARS.
GEARY
is FOR the Freedman's Bureau.
CLYMER
is OPPOSED to it.

The Freedmen's Bureau! An Agency to Keep the Negro in Idleness at the Expense of the White Man. Twice Vetoed by the President, and Made a Law by Congress. Support Congress & You Support the Negro. Sustain the President & You Protect the White Man, 1866. A racist poster issued as part of a series attacking Radical Republicans during the Pennsylvania gubernatorial election of 1866. Broadside Collection. Courtesy of LOC P&P.

confiscated land—retained a little more than half the land once under its jurisdiction, and roughly half of that was in the Sherman reserve, along the coast of South Carolina and Georgia.[22]

Created by Congress in March 1865, the Bureau of Refugees, Freedmen, and Abandoned Lands (commonly known as the Freedmen's Bureau) was supposed to oversee the South's transition from slave labor to free labor. Headquartered in Washington, DC, the bureau established outposts—typically staffed by active US Army officers or recently discharged veterans—in cities and towns throughout the former Confederacy.[23] Bureau agents located their offices in existing buildings including hotels and offices.

[22]This history is provided in detail with associated primary sources, in *Freedom: A Documentary History of Emancipation, 1861-1867*, eds. Steven Hahn et al., ser. 3, vol. 1, *Land & Labor, 1865* (Chapel Hill: University of North Carolina Press, 2008), ch. 4; and *Freedom: A Documentary History of Emancipation, 1861-1867*, eds. René Hayden et al., ser. 3, vol. 2, *Land & Labor, 1866-67* (Chapel Hill: University of North Carolina Press, 2013), ch. 2. For developments in early 1866, see ibid., 48, 212.

[23]The building that housed the Freedmen's Bureau headquarters in Washington, DC, is no longer extant.

Howard, the Freedmen's Bureau commissioner, had considerable sympathy for former slaves trying to hold onto land confiscated from former Confederates. When coastal planters from Georgia and South Carolina demanded that the Sherman lands be returned to them, Howard tried to intervene. Johnson and his policy of restoration of land, however, won out, and the majority of the lands were returned. Some freedpeople did manage to establish title to Sherman reserve lands, and others in the area purchased small tracts from planters, making coastal South Carolina and Georgia one of the few places in the former Confederacy where black landownership became widespread and relatively secure.[24]

On the Sherman lands and elsewhere in the South, freedpeople who had begun farming on abandoned or confiscated land protested the restoration of that land. They found it particularly galling that the land was being restored to individuals who had prosecuted a war against the United States. African American spokesmen and other leaders emerged, some of whom would later become prominent in Reconstruction politics and others whose identities remain difficult to trace. "General we want Homestead's," a committee from Edisto Island, South Carolina, wrote. "We were promised Homestead's by the government."[25] Freedpeople argued that they had always been loyal Americans, having provided soldiers to the Union cause and done all they could to defeat the Confederacy. Centuries of uncompensated labor also entitled them to the land, many argued. As one Alabama freedmen's convention put it, "The property which they hold was nearly all earned by the sweat of *our* brows."[26] Although in some cases freedpeople negotiated a right to rent the lands they had come to occupy, and in some cases white owners proved willing to sell it to them, as a rule freedpeople struggled to acquire land in the early postwar years.[27]

Across most of the South, as African Americans gave clear expression to their desire for land, politicians and white landowners mobilized all the resources they could to stymie them. That effort was evident in southern statehouses, where legislatures passed laws designed to ensure that former slaves would work for white landowners and to make it harder for them to farm for themselves. The first states to pass new laws after the war were Mississippi and South Carolina, and both were clear in their objectives in what became known as the Black Codes. Mississippi demanded that freedpeople demonstrate proof that they had entered a labor contract or risk arrest for vagrancy. The state also directly forbade African Americans from renting or leasing rural land. South Carolina insisted that black people who wanted to labor in non-agricultural pursuits must get permission from a court and purchase a license.[28] US government officials—including US Army commanders stationed in these states—rejected such laws, and in January 1866, General-in-Chief Ulysses S. Grant instructed all his subordinates to issue orders "protecting

[24]Foner, *Reconstruction*, 159-64; Loren Schweninger, *Black Property Owners in the South, 1790-1915* (Urbana: University of Illinois Press, 1990), 163.

[25]The three signers of the committee's letter were Henry Bram, Ishmael Moultrie, and Yates Sampson. See "Committee of Freedmen on Edisto Island, South Carolina, to the Freedmen's Bureau Commissioner," October 20 or 21, 1865, http://www.freedmen.umd.edu/Edisto%20petitions.htm.

[26]Quoted in Foner, *Reconstruction,* 105.

[27]Berlin et al., *Freedom: A Documentary History*, ser. 3, vol. 2*,* 66-67; Schweninger, *Black Property Owners,* 145-51.

[28]Foner, *Reconstruction,* 199-200; Walter L. Fleming, ed., *Documentary History of Reconstruction: Political, Military, Social, Educational and Industrial, 1865 to 1906*, vol.1 (1906-7; reprint, with a foreword by David Donald, New York: McGraw-Hill, 1966), 286, 305-6.

colored persons" from prosecution for "offenses for which white persons are not prosecuted or punished in the same manner and degree."[29] In the coming year, southern states operating under President Johnson's reconstruction plan enacted new laws that were less overtly discriminatory. Yet their intentions did not waver, as they defined "vagrancy" ever more broadly and made it increasingly easy to arrest freedpeople simply because they did not appear to be working for a white person. States banned hunting on private lands on Sundays to make it harder for poor people to feed themselves, and they passed regressive tax laws that placed extra burdens on those who did not own land. As one Freedmen's Bureau agent wrote of such laws, "No reference to color was expressed in terms, but in practice the distinction is invariable."[30]

Without land of their own, freedpeople mostly worked for others. Relationships between employers and employees assumed many different forms in slavery's immediate aftermath. Before the war, the enslaved labor force had been forcibly immobilized by masters' power to terrorize and punish their slaves, a power backed by public authorities and ultimately by the US government itself. Slaves had nonetheless found ways of extracting compromises from masters and mistresses. By slowing their work or refusing it entirely, or by running away or otherwise registering discontent, slaves in many places had succeeded in winning small concessions within a relentless system. In the eastern seaboard rice plantations, slaves had pressed planters to establish a task system, in which slaves' required daily labor ended when they fulfilled a prescribed number of duties, thus giving them some control over their time.[31] Elsewhere, however, planters had mobilized laborers in large groups, often called "gangs," who worked under consistent and frequently brutal oversight. The abolition of slavery, backed by the power of the US government, placed southern African Americans in an entirely new position. The coming of freedom meant (at least in theory) that laborers could leave plantations at will, search out fair employers, and otherwise bargain for better terms—empowered by the knowledge that landowners depended on the labor they were expected to provide.[32]

Freedpeople sought to negotiate labor arrangements that would allow them more control than in slavery and that honored their desires to cultivate families and communities. As freedom dawned, freedmen often sought to avoid working in large gangs and attempted, instead, to organize smaller work "squads" and enter labor agreements on behalf of a group of workers, often including women and children. Many employers were frustrated to find that freedwomen now refused to work in the fields as they had under slavery. In many instances, black families—with new levels of control over their work and domestic lives—chose to have women and children work at home on garden plots, beyond the oversight of whites. This new labor arrangement could serve many different goals, including enabling freedwomen to spend more time taking care of their children, allowing families to enter new areas of economic activity, and reducing the chance that women would be subjected to sexual harassment and violence by white people, a common occurrence in slavery. Meanwhile, black women who did domestic work for whites—including

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[29]Hayden et al., *Land and Labor, 1866-67,* 11.

[30]Ibid., 12.

[31]Julie Saville, *The Work of Reconstruction: From Slave to Wage Laborer in South Carolina, 1860-1870* (New York: Cambridge University Press, 1994), 5-11; Hahn, *Nation Under Our Feet,* 19-25.

[32]Foner, *Reconstruction,* 135-41.

cooking, washing, and housework—now attempted to negotiate the terms of their employment, often infuriating their former mistresses, who in turn ended up doing much more such work than they had previously.[33]

Freedpeople and planters often struggled over the question of who controlled children's labor. Children were objects of their parents' affection but also—particularly as they grew older—important sources of work and income. Landowners well understood the economic value of children and teenagers and regularly colluded with law enforcement officials and courts to "apprentice" freed children to whites without the consent of their parents. Relatives, in turn, demanded custody of and authority over their children. They sometimes turned to Freedmen's Bureau agents and other officials for help recouping their children, or they took matters into their own hands and attempted to rescue children from the involuntary servitude of forced apprenticeship.[34]

Forging a satisfactory employment contract was only the beginning. Even under the best conditions, southern agricultural laborers struggled to get paid—and employers sometimes struggled to pay them. Money was in short supply in the postwar South, and many employers were, themselves, in debt. In a place where cash was scarce, it was no simple matter to institute a system in which agricultural workers were paid wages. Driven by their desire for independence and by the limited cash supply, many freedpeople agreed to be paid in a "share" of the crop after it was harvested. Some, in turn, arranged to be paid in wages after the landowner had sold the crop. In those instances, the owner retained control of the harvest and, at least in theory, doled out money to employees after selling it. With planters indebted to the people who sold them seeds, tools, and fertilizer, however, such relationships could be complicated at harvest time. Who was entitled to be paid first, the laborers or the creditors?[35]

For white Southerners who had owned slaves and relied on them to grow their staple crops, the transition to a regime of free labor was difficult. To many, it was almost unfathomable that former slaves—persons once immobilized by laws and by the looming threat of violence—were now free to leave their homes and places of work. Whipping, a common form of disciplining laborers during slavery, was now supposed to be outlawed. In every realm of life, freedpeople demanded freedom, dignity, and autonomy. Moreover, planters had not only lost the war but suffered vast financial losses as a result of the abolition of slavery, which had eliminated, without compensation, a form of property once essential to southern economic life. Many white

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[33]Hayden et al., *Land and Labor, 1866-67,* 370-2, 559-61; Thavolia Glymph, *Out of the House of Bondage: The Transformation of the Plantation Household* (New York: Cambridge University Press, 2008); Leslie A. Schwalm, *A Hard Fight for We: Women's Transition from Slavery to Freedom in South Carolina* (Urbana: University of Illinois Press, 1997), 173-79, 194-233.

[34]Hayden et al., *Land and Labor, 1866-67,* 556-58, 562-68; Catherine A. Jones, *Intimate Reconstructions: Children in Postemancipation Virginia* (Charlottesville: University of Virginia Press, 2015), 59-75; Karin L. Zipf, *Labor of Innocents: Forced Apprenticeship in North Carolina, 1715-1919* (Baton Rouge: Louisiana State University Press, 2005), 40-83.

[35]Roger L. Ransom and Richard Sutch, *One Kind of Freedom: The Economic Consequences of Emancipation* (Cambridge: Cambridge University Press, 1977), chs. 4, 5; Harold D. Woodman, *New South—New Law: The Legal Foundations of Credit and Labor Relations in the Postbellum Agricultural South* (Baton Rouge: Louisiana State University Press, 1995).

Southerners found the situation difficult to endure and felt personally humiliated and dejected by their losses. Some wrote in diaries and personal letters about their sense of upheaval, uncertainty, and even panic. Many smallholding white farmers had also suffered losses in the war even if they did not own slaves. Soldiers away at the front could not farm, and remaining family members struggled to sustain crops. Armies on both sides took food, supplies, horses, and livestock, sometimes without compensation. And the disorganization of southern society, with its war-torn railroads and shuttered banks, made it hard to reestablish the transportation networks and credit necessary to run even a small farm.[36]

To regain the upper hand, employers regularly resorted to violence and fraud to avoid paying their laborers, who at the end of the season were particularly vulnerable to exploitation. Many southern landowners responded to emancipation by taking the mandates of the new free labor economy seriously, promising employees wages but denying them the subsistence (food and clothing) masters had provided to their slaves. Freedpeople now had to use their meager wages to pay for basic necessities, and many planters were only too happy to oblige, keeping track of the debts their workers owed them and reconciling accounts at the end of the season, which was the only time most agricultural workers were paid. Not surprisingly, at harvest time freedpeople often faced employers who claimed they had already spent their year's pay. Some employers did not even bother with such niceties and simply ran their laborers off their property, sometimes at gunpoint, after the harvest was complete. Under these conditions, the laborers who appeared to have the least productive capacity—children, the elderly, and single mothers—appeared most disposable to employers and were most likely to be evicted and otherwise exploited.[37]

In some places and in some times, employers and employees could bring their disputes to agents of the Freedmen's Bureau. At its height during 1866, the bureau had just 900 agents stationed in the South.[38] Many were US Army veterans, though a considerable number were also white southern men, elite and respected in their communities. Some bureau agents managed to adjudicate employment disputes fairly, and at times white Southerners accepted their authority, understanding that working with the bureau could help them hire and keep the laborers they needed. To many white Southerners, however, Freedmen's Bureau agents represented the overreaching power of the federal government, unnecessarily interfering in matters that should be left to white Southerners to resolve. Many bureau agents also sought to push freedpeople into wage work, even in exploitative conditions, and seemed impervious to the unequal power dynamics between employers and employees. During the brief period (1865-70) when Freedmen's Bureau agents were stationed in the South, some freedpeople reported employer violence to them and hoped for adjudication. Most important in labor relations, however, was the fact that former slaves now had the capacity to leave their work and seek different employers—though that possibility was constrained both by employers' coercive strategies and by year-long contracts in which laborers were not compensated for their work unless they worked the entire year.[39]

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[36]Foner, *Reconstruction,* 128-30; Glymph, *Out of the House of Bondage,* 139-66; Hayden et al., *Land and Labor, 1866-67,* 376-77.

[37]Hayden et al., *Land and Labor, 1866-67,* 380-84.

[38]Paul A. Cimbala and Randall M. Miller, eds., *The Freedmen's Bureau and Reconstruction: Reconsiderations* (New York: Fordham University Press, 1999), xxix.

[39]Foner, *Reconstruction,* 142-70.

At some moments it was possible for African American agricultural laborers to band together in organizations that extended beyond families to include labor unions, civic organizations, and militias. In Republican-controlled South Carolina in 1876, a massive labor strike spread inland from the Low Country, as freedpeople, with support from the state militia, walked off their jobs in pursuit of better wages.[40] Workers in the sugar-producing region of Louisiana were also particularly active, periodically organizing across plantations to press for better wages and for opportunities to lease their own lands. Labor conflict exploded in 1887 when sugar workers organized a great strike, galvanized in part by the Knights of Labor, a national organization that sought to organize laborers across racial lines.[41] In several Louisiana parishes, black and white sugar workers went on strike at harvest time, demanding better pay. But they were thwarted by plantation owners and by the state militia, which put down the strike and evicted hundreds of black families from the land. A militia unit remained in the town of Thibodaux, Louisiana, after the strike had been broken in the countryside. A tense situation exploded into violence on a late November day when militia men, believing their authority was threatened, ran rampant through the town, shooting African Americans at will. As in so many such incidents, no accurate casualty count was ever made; modern scholars estimate, however, that on that day the state militia killed at least thirty African American men and women and injured hundreds more.[42]

As these examples indicate, the policies of southern state governments significantly shaped labor relations. Where Republicans held political power, they raised taxes on land and personal property and passed "laborers' lien" laws that provided that employers would pay their employees first, before discharging other debt obligations. When it came to encouraging small farmers to buy land, South Carolina went furthest, creating a state land commission to purchase land and resell it on favorable terms to small farmers. In the early 1870s, the experiment was notably successful, with about 14,000 black families and a few whites availing themselves of this unusual route to landownership.[43] Republican legislatures also invested heavily in railroad development, which helped connect traditional southern port cities with the rural hinterlands, creating transportation networks that encouraged yeomen farmers living in non-plantation districts to try their hand at growing staple crops for sale at the market. When Democrats regained control, at different moments in different states, in many areas they reversed the Republicans' course. For instance, Democrats passed laws that favored creditors and employers over laborers, and they reinstituted, in racially neutral terms, harsh vagrancy laws akin to those passed during the immediate postwar years. And when rural workers managed to organize for better conditions, Democratic governors readily called out their militias to break strikes and support the resumption of low-wage plantation agriculture.[44]

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[40]Foner, *Nothing but Freedom: Emancipation and Its Legacy* (Baton Rouge: Louisiana State University Press, 1983), 91-106.

[41]The Knights of Labor was founded in Pennsylvania in 1869 and from 1873 to 1886 was the leading labor organization of the era. Decentralized and heterogeneous in nature, its members included skilled and unskilled laborers, black and white, men and women, and Catholics and Protestants.

[42]Rebecca J. Scott, "Fault Lines, Color Lines, and Party Lines," in Frederick Cooper, Thomas C. Holt, and Rebecca J. Scott, *Beyond Slavery: Explorations of Race, Labor, and Citizenship in Postemancipation Societies* (Chapel Hill: University of North Carolina Press, 2000), 72-80.

[43]Foner, *Reconstruction*, 375; Carol K. Bleser, *The Promised Land: The History of the South Carolina Land Commission, 1869-1890* (Columbia: University of South Carolina Press, 1969).

[44]Foner, *Nothing but Freedom*, 52-73; Woodman, *New South—New Law*.

White Southerners also turned to law enforcement officials to control the labor power of African Americans and to press it into the service of white business owners. During the 1870s and 1880s, prison officials increasingly leased prisoners to planters and other businessmen at a cost lower than the rate of pay for free workers. The Thirteenth Amendment had exempted prisoners from its ban on involuntary servitude. The "convict lease" system provided revenue to support prisons and law enforcement while also offering a cheap labor force and thus greater profits for business owners. Convict leasing helped propel the South's economic recovery after the war. Yet critics increasingly drew attention to the abuses inherent in the system. Some argued that select private business owners should not be permitted to profit from the convicts' labor but that prisoners' labor should be directed to projects that served the "public" good. Other reformers pointed out that leased prisoners, the vast majority of whom were African Americans, lived in inhumane conditions, essentially unfree and vulnerable to the whims of prison officials and private lessees. Among the earliest and most vocal public critics of convict leasing was George Washington Cable, a white writer and Confederate veteran from New Orleans who lambasted the system in speeches and in print in the early 1880s. Subjected to intense hostility in his native city, in 1885 he and his family moved to Northampton, Massachusetts, where he lived and continued to write for the next thirty years. As the Progressive Era dawned, states gradually responded to reformers' critiques and calls for modernization by ceasing to rent prisoners to private businesses and employing them instead in public works projects. Indeed, prisoners furnished much of the labor that built the roads and other infrastructure of the New South in the early decades of the twentieth century.[45]

Faced with daunting conditions in rural areas, some freedpeople moved into cities. In many southern cities, the proportion of African Americans increased dramatically between the 1860 and 1870 censuses and then more or less held steady for the next several decades.[46] It was often easier for African Americans to purchase a bit of land in urban areas, and prospects for skilled employment were better. Urban businesses needed carpenters, coopers, bakers, and shopkeepers, and the density of black settlement created demand for various kinds of service providers including shopkeepers, teachers, restaurateurs, midwives, barbers, hairdressers, and undertakers. Census figures from the years 1870 to 1910 revealed that over time, a growing proportion of African Americans were living in cities as opposed to rural areas. Black business districts flourished; in the Upper South the number of black-owned businesses increased more than 1,000 percent in those years.[47]

Yet many freedpeople continued to hold out hope that they might one day purchase their own plot of land and farm for themselves. It quickly became clear that the US government would not do much to help them. In the early postwar years, a few Radical Republicans in Congress proposed that confiscated land in the former Confederacy be distributed to freedpeople and the remaining land sold off, with proceeds going to the US treasury. That perspective, most strongly associated with the Pennsylvania congressman Thaddeus Stevens, was unpopular even among Republicans

[45]Matthew Mancini, *One Dies, Get Another: Convict Leasing in the American South, 1866-1928* (Columbia: University of South Carolina Press, 1996); Alex Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South* (New York: Verso, 1996).

[46]For instance, see Reynolds Farley, "The Urbanization of Negroes in the United States," *Journal of Social History* 1, no. 3 (Spring 1968): 247, 248-51.

[47]Schweninger, *Black Property Owners*, 179.

and never got very far in Congress. Congress did pass a Southern Homestead Act in June 1866, which allowed citizens to enter claims to federal lands in the southern states. The government forbade racial discrimination in the disposition of the land, and during the act's first six months, access was available only to people who had never aided the Confederacy. Freedpeople took advantage of the opportunity where they could, in some cases pooling resources and moving together onto new lands where they farmed independently. But doing so was difficult; assets were required to finance a long-distance move, and farm implements and seeds added to the cost. Much of the southern homestead land was also poor for farming, making the prospect even more risky.[48]

The many obstacles notwithstanding, over the course of the three decades after the Civil War, growing numbers of southern African Americans did in fact succeed in purchasing land, even in the Deep South where whites opposed it most strongly. Saving money to buy land was exceedingly difficult when mere survival itself could not be taken for granted and where cash was in short supply. When freedpeople were able to save, it was often through growing garden plots and producing goods for sale separate from the staple crop economy. Freedpeople often divided the work of families so that men worked for wages for white landowners while women and children produced the food crops and items for independent sale. The proceeds of work that transpired outside the domain of the staple crop economy often provided crucial resources to freed families.

The plots freedpeople purchased were often small and sometimes on poor lands, but ownership could allow people to escape the sharecropping arrangements that gradually came to define southern agriculture. It could also enable them to shore up a modicum of independence in the face of planters' efforts to bring black laborers under their control. Black land ownership was particularly widespread in the Upper South, where the economy was more dynamic and where white people were more open to the idea of selling land to African Americans. Virginia—home to several flourishing cities, banks that were increasingly willing to lend to African Americans, and a corps of formidable black activists, and with fewer instances of racial violence than in the Deep South—was particularly noteworthy for the extent to which African Americans acquired land in the final decades of the nineteenth century.[49]

In places where landownership remained out of reach and conditions worsened with Democratic ascendancy, black families proved willing to move long distances in search of places to farm independently and to escape racial violence and grinding poverty. In the late 1870s thousands moved to Kansas and Indiana. The scale of black migration drew the attention of the US Senate, which launched an investigation into its causes and fretted that the South would be drained of an invaluable resource: its agricultural labor force. In a separate migration stream some years later, black Southerners set out for what is now Oklahoma when the US government opened it for settlement by non-Native Americans. In Kansas and Oklahoma, African Americans founded all-black communities and towns where they could manage their own resources as a community and, not incidentally, send their children to school, vote, and hold elected office. Among the towns, the best known today are probably Boley, Oklahoma,

[48]Michael L. Lanza, *Agrarianism and Reconstruction Politics: The Southern Homestead Act* (Baton Rouge: Louisiana State University Press, 1990); Hayden et al., *Land and Labor, 1866-67,* 886-92.

[49]Schweninger, *Black Property Owners,* 172-73.

and Nicodemus, Kansas (Nicodemus Historic District, NHL, 1976); at their heyday, however, there were more than 50 black settlements in Oklahoma alone.[50]

Labor relations had been irrevocably changed by emancipation, but land—the most important resource in an agricultural society—remained largely in the hands of the white elite, who continued to find ways to profit from it. Southern agriculture suffered many reversals in the aftermath of the Civil War; land values fell, and many formerly wealthy families were forced to sell some or all of their land. On balance, however, the staple crop economy made a quick recovery from the war and the poor seasons that followed in 1866 and 1867. Before the Civil War, the Old South had been the world's preeminent region for growing cotton, and many had feared that the end of slavery would also mean the end of productive cotton growing in the South. In fact, the opposite happened. The post-Civil War period was characterized by a vast *increase* in the quantity of cotton produced in the American South, largely because white farmers for the first time began to grow large amounts of cotton. By 1877, southern cotton growers enjoyed the same market share in Great Britain as they had before the war, and by 1880, they were exporting more cotton than they had in 1860.[51]

The growth of cotton production in the post-Civil War South did not, however, translate into increasing wealth for all Southerners. Southern economic development, including the penetration of railroads into the region's mountainous hinterlands, made it possible for growing numbers of white yeomen farmers—people who had previously farmed largely for their own subsistence and not grown staple crops like cotton in large quantities—to begin growing cotton for market, too. Yet entering into the world cotton economy had many downsides for small landholders, both black and white. Throughout the world—and throughout the South—the business of cotton was increasingly consolidated and prices were increasingly determined by a global market. Particularly in the decades following the economic crash of 1873, global cotton prices fluctuated dramatically but generally headed downward.[52]

These developments created grim conditions for poorer rural Southerners, both white and black. Spurred on by the possibility of reaping a profit but cash-poor and in need of credit to buy seeds, fertilizers, and other supplies, many yeomen farmers fell into debt to merchants who advanced loans in exchange for a lien on the year's crop. Such lending practices placed farmers in the precarious position of depending on the year's harvest to repay debts. It was easy to fall behind as cotton prices fluctuated and, over time, dropped as a result of the ramping up of global production. Despite their best efforts, then, southern small-holders often lost their farms and became sharecroppers on land owned by large agricultural businesses. Such was the fate of many

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[50]Nell Irvin Painter, *Exodusters: Black Migration to Kansas after Reconstruction* (New York: Knopf, 1977); Murray R. Wickett, *Contested Territory: Whites, Native Americans, and African Americans in Oklahoma, 1865-1907* (Baton Rouge: Louisiana State University Press, 2000), 30-34, 54-59; Hahn, *Nation Under Our Feet*, 330-35. See National Park Service description at Homestead Monument Site and materials on Nicodemus, Kansas, http://www.nps.gov/home/learn/historyculture/exodusters.htm, http://www.nps.gov/nico/planyourvisit/nicodemus-brochures.htm. For more than 50 black settlements in Oklahoma alone, see http://plainshumanities.unl.edu/encyclopedia/doc/egp.afam.006.

[51]Sven Beckert, *Empire of Cotton: A Global History* (New York: Knopf, 2014), 292; Foner, *Reconstruction*, 393.

[52]Beckert, *Empire of Cotton,* 286-90.

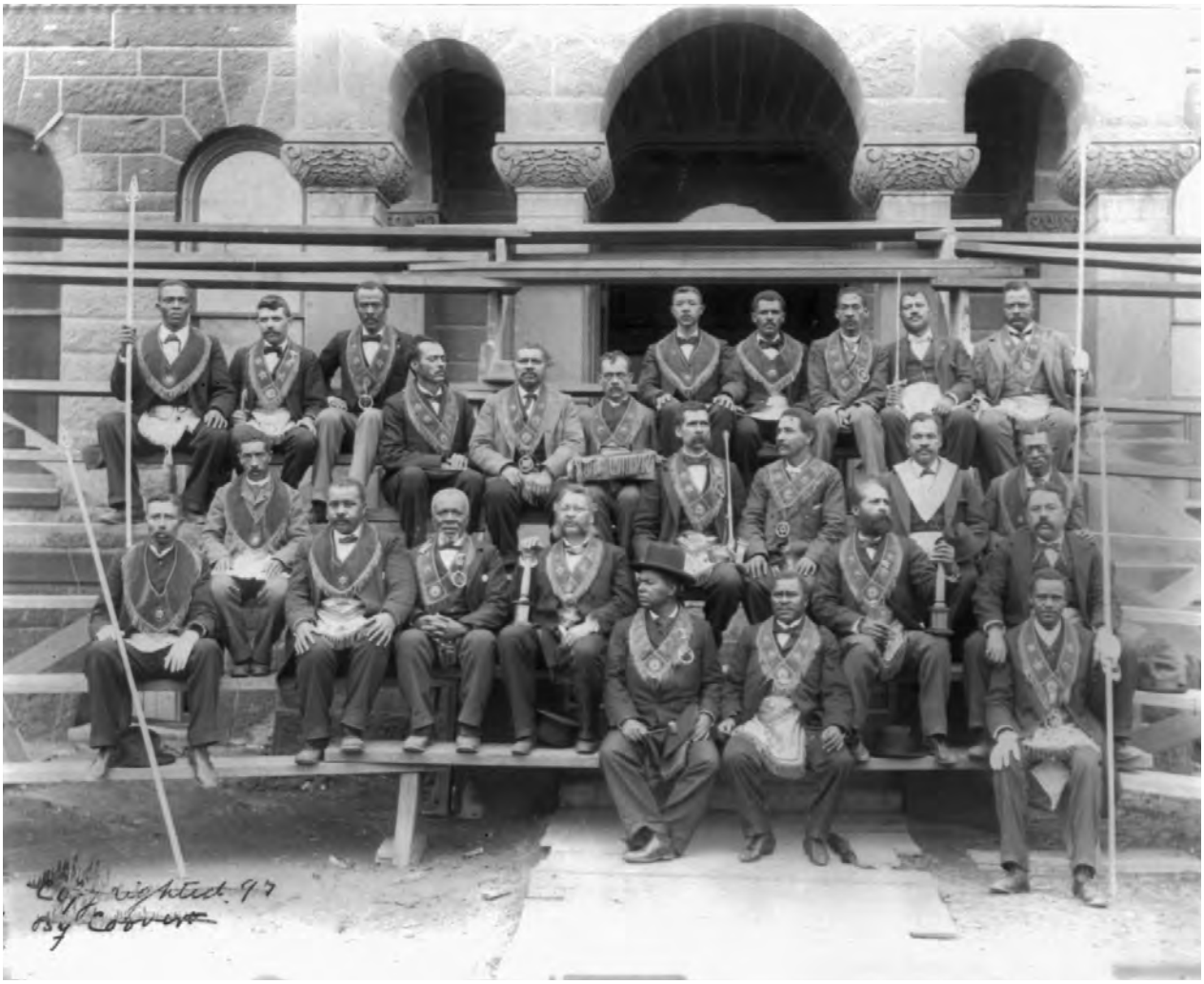
black and white Southerners, though the impact of these trends on African Americans—who also faced systemic racial discrimination and terrorist violence—was far more severe.[53] Rural freedpeople and their descendants who had never owned their own land likewise often became sharecroppers. Under sharecropping, laborers—disproportionately African American but also including many whites—worked the land in exchange for a portion of the proceeds from the sale of the crop. After a period of flexibility and negotiation over what kind of work regime would succeed slavery, sharecropping had emerged as a form of labor that allowed landowners to continue to profit while enabling laborers to live together in family units and retain a modicum of control over the conditions in which they labored. Yet the sharecropping system was extraordinarily exploitative; families often became trapped as planters charged them exorbitant rates for fertilizer and other necessities and then declared them in debt at the end of the farming season. Schools and health care were often out of reach, and in some places landowners used armed guards reminiscent of slave patrols to keep laborers in line.

The growing dispossession of small farmers throughout the South—including both white farmers who had long owned their own land and black farmers who had only recently come into possession of it—had significant political consequences. Under the auspices of the Farmers' Alliance, white southern farmers galvanized to challenge the powerful Democratic Party, whose officials typically represented the interests of wealthy merchants and planters. In several states, agrarians like North Carolina's Elias Carr gained control of the Democratic Party from older "Bourbon" Democrats and began to reform state politics. Likeminded African Americans organized branches of the Colored Farmers' Alliance, which was attuned to the needs of landless black agricultural laborers. In some states, white Alliancemen joined the new Populist party and in the process made common cause with black Republicans. In North Carolina, for instance, the combined Populist and Republican parties won control of the state, electing both US senators, the governor, and a majority of the legislature. And in Georgia, for a time, fiery orator Tom Watson aimed to unite white and black farmers. The ideology of white supremacy was fragile enough to give some white Southerners space to ally briefly with black Republicans, but creating a lasting biracial coalition proved impossible. Democrats ran sophisticated propaganda campaigns to scare white Populists back into the party, raising fears of black domination and, particularly, inventing stories of black male rapists. Their racist appeals eventually prevailed. White Populists were invested in the system of racial hierarchy that always kept them a rung higher than their black counterparts. Moreover, whereas most white Populists were landholders of one kind or another, most black insurgents were already working for wages or shares on other people's farms. By the end of the century, the Democrats had proven adept at squelching black and white movements for agricultural reform, and economic life in much of the South—bolstered by the ideology of white supremacy—had turned irrevocably toward large-scale agriculture in which the few profited from the labor of the many.[54]

[53]Gavin Wright, *Old South, New South: Revolutions in the Southern Economy Since the Civil War* (New York: Basic Books, 1986), 81-115.

[54]Hahn, *Nation Under Our Feet,* 412-25.

PART TWO: AFRICAN AMERICAN INSTITUTION BUILDING



Group of Grand Lodge of Masons No. 2, ca. 1897. Courtesy of LOC P&P.

The end of slavery ushered in a period of extraordinary creativity in African American life. Drawing on relationships, customs, and institutions built during slavery, black Southerners moved quickly to build, create, and nurture organizations that would sustain their communities. Those who had been free before the war were more likely to have literacy skills, property, and connections to powerful whites, and thus they often played leading roles in black communities. Yet the vast majority of southern African Americans had been slaves until the Civil War, and freedpeople were the backbone of southern black life. Beginning with family relationships and blossoming outward into churches, community organizations, and businesses, southern African Americans built institutions that nurtured their communities and developed resources that would sustain them during the worst of the Jim Crow Era.

For freedpeople, the first and most important institution was family. During slavery, black families had been subjected to the vast power of masters who manipulated black families to suit their own interests. Slave owners sometimes arranged marriages or sexual partnerships among slaves. They frequently directed and exploited the labor of children and sold away parents and spouses, completely ignoring the emotional and parental bonds of the human beings they held as property. Yet slave families were not always broken apart, and even in the harsh conditions of plantation slavery, enslaved people nonetheless cultivated families that included extended kin and even found ways of staying in contact across great distances by sending word through their owners or via slaves or freedpeople who were traveling.[55]

As slavery finally ended, freedpeople set out to find lost family members. They traveled across states and regions to find their kin, and they sent letters to their old homes, inquiring about people's well-being. The advertisements they posted in newspapers are among the most concrete and lasting pieces of evidence we have of the importance of family relationships to newly emancipated people. With headings such as "Lost Friends" or "Information Wanted," such announcements described missing persons and provided information about their former owners and slave traders involved in their sale. Some family members successfully reunited, but in most cases such searches yielded only disappointment.[56]

Although enslaved women and men often forged lasting relationships and considered themselves married, their marriages had never been legally recognized. As freedom dawned, many couples—longstanding ones and new—opted to marry under new southern state laws that explicitly permitted marriage among African Americans, or under the authority of US Army officials, Freedmen's Bureau agents, and northern missionaries, all of whom actively promoted marriage among freedpeople. Freedpeople were becoming citizens with rights and a relationship to their government, rather than the objects of slave owners' power. The Freedmen's Bureau and many white Southerners encouraged freedpeople's marriages in order to instill what they considered proper patriarchal relations in freedpeople's families. Freedpeople, in turn, married for their own purposes. Some may have been eager to enter an institution that was central to nineteenth-

[55]Dylan C. Penningroth, *The Claims of Kinfolk: African American Property and Community in the Nineteenth-Century South* (Chapel Hill: University of North Carolina Press, 2003), 79-109; Heather Andrea Williams, *Help Me to Find My People: The African American Search for Family Lost in Slavery* (Chapel Hill: University of North Carolina Press, 2012).

[56]Williams, *Help Me Find My People,* chs. 5, 6.

century American life and may have aspired to the prevailing middle-class gender norms of a breadwinning husband and domestic wife. Others may have sought long-missing legal authority for their chosen families; they may have seen marriage as a way of proving the legitimacy of relationships that white people had long considered illegitimate and meaningless.[57]

Rural life, poverty, and the recent history of slavery itself made extended family relations crucially important. Adults often took in children who could not find their mothers and fathers, and extended families sought to live in close proximity, sometimes spreading themselves out in separate but nearby cabins and houses. Freedpeople forged such family relationships under considerable duress. Continuing past practices, southern state governments created during 1865 and 1866 permitted courts to apprentice free black children to white families, often without the consent of their parents or other responsible adults in their communities. Parents—and also grandparents, aunts, uncles, and other members of the community—frequently protested such indentures, trying to ensure that the children stayed within the community. Their efforts appear frequently in the papers of the US Army and the Freedmen's Bureau. Two weeks after slavery was declared abolished in Maryland, for example, a freedwoman named Jane Kamper informed US Army officials that her former owner had insisted that he would have her children apprenticed (or "bound") to him. He "locked" them up, but Kamper went to his farm in Talbot County and collected the children "by stealth." Although her former owner pursued her all the way "to the Boat," she managed to hide the children and sail to relative safety in Baltimore, where she told her story to military officials.[58] Over time, African American women became particularly involved in establishing orphanages, boarding schools, mutual aid societies, and other institutions designed to serve the neediest children in their communities. Familial relations were the foundation of communities and the institutions they fostered.[59]

Independent black churches were, like families, a crucial pillar of black life. Southern black churches dated back many decades, in many different forms. Amid efforts by slave owners to bring Christianity to the enslaved, black Southerners had developed their own versions of Christianity and worship, sometimes merging conventions and traditions brought from West and Central Africa and modified in the dynamic context of New World slavery. In some places, planters established churches on plantations and expected their slaves to worship there, under guidance of white ministers and often in separate pews. Yet black religious leaders had also emerged in the slaveholding South, sometimes sanctioned by slave owners who trusted them and other times working outside the scope of slave owners' view. In some southern cities, free African

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[57]Laura F. Edwards, *Gendered Strife and Confusion: The Political Culture of Reconstruction* (Urbana: University of Illinois Press, 1997), 31-65; Noralee Frankel, *Freedom's Women: Black Women and Families in Civil War Era Mississippi* (Bloomington: Indiana University Press, 1999), 79-109; Schwalm, *Hard Fight for We,* 239-48.

[58]"Statement of a Maryland Freedwoman," Baltimore, Md., Nov. 14, 1864, Freedmen & Southern Society Project, http://www.freedmen.umd.edu/Kamper.html.

[59]Mary Farmer-Kaiser, *Freedwomen and the Freedmen's Bureau: Race, Gender, and Public Policy in the Age of Emancipation* (New York: Fordham University Press, 2010); Jones, *Intimate Reconstructions,* chs. 2, 4; Gilmore, *Gender and Jim Crow*; Tera W. Hunter, *To 'Joy My Freedom: Southern Black Women's Lives and Labors after the Civil War* (Cambridge, MA: Harvard University Press, 1997), 37-40, ch. 6.

Negro Church, Smith Plantation, Port Royal Isl'd, S.C., ca. 1860-65. Drawing by Alfred R. Waud. Courtesy of LOC P&P.

Americans managed to establish their own churches, though such churches could only operate with consent from prominent whites.[60]

After the war, black Southerners left white-led churches in droves, forming their own churches where they could worship as they chose, outside the supervision of whites who so often treated them disrespectfully. In fact, black Southerners also largely rejected the overtures of northern white ministers who came South in search of converts. The vast majority of southern African Americans identified as Methodists and Baptists, two denominations that provided the greatest opportunities for independent black institutions headed by black leadership. Most black Methodists chose to affiliate with the African Methodist Episcopal Church (AME), an independent black church founded in Philadelphia in 1816 by Bishop Richard Allen. The AME Church had a longstanding reputation for fostering independent black action. Despite white Southerners' doubts, in the decades before the Civil War African Americans had built and supported AME churches in southern cities including Baltimore and Charleston, home to Emanuel African Methodist Episcopal Church. After the war, the AME church, with its centralized structure, energetically sent missionaries into the South to recruit new

[60]William E. Montgomery, *Under Their Own Vine and Fig Tree: The African American Church in the South, 1865-1900* (Baton Rouge: Louisiana State University Press, 1993), 11-37; Hahn, *Nation Under Our Feet,* 43-51.

members and provide spiritual and political leadership.[61] Many of these churches became central places in southern black communities. For instance, black leaders organized Memphis's first AME church in 1863, after the city came under US occupation. The church they built stood until white rioters burned it in the massacre of 1866. The congregation rebuilt its church more than once in the ensuing decades, and then in the mid-twentieth century moved it to a more suburban location.[62]

The AME church was far from alone in making inroads among black Southerners. As the war ended, African American members of the white-led Methodist Episcopal Church, South, pushed to separate from the white-led church. Among the leaders of that movement was Isaac Lane of Madison County, Tennessee, who recalled how the church hierarchy had finally permitted him to preach in 1865 and how he and other African American Methodists began holding meetings to create their own organization shortly thereafter. The separation was finalized in December 1870 in Jackson, Tennessee, when Lane and others, with support from the white Methodists, formed a new denomination, the Colored Methodist Episcopal Church in America.[63]

Baptist denominations also grew and flourished. Baptists had long been unusual for permitting people of African descent to preach the gospel and had drawn significant support in enslaved communities before the Civil War. Because of their decentralized denomination, in which significant local autonomy was possible and a variety of worship styles permitted, Baptists were well-suited to the rural South and could encompass the exuberant and spiritual practices to which many former slaves were accustomed. As African American Baptists established their own churches after the Civil War, they also organized district and state associations that provided opportunities for communication and collective action. At the district and state levels, Baptists raised money to support missionary efforts, services for the needy, and schools.[64] For instance, in August 1865, African American Baptists from several Virginia cities convened in Ebenezer Baptist Church in Richmond's Jackson Ward (Jackson Ward Historic District, NHL,1978) neighborhood, where they founded the Colored Shiloh Baptist Association. Through that association and, starting in 1867, a statewide organization, African American Baptists in Virginia gathered resources, sponsored schools, organized missionary work, and worked with white Baptist organizations, particularly the northern-based American Baptist Home Missionary Society.[65]

Across denominations and in urban and rural areas, African Americans pooled their resources and worked collectively to secure their churches. This was an endeavor that involved all members of the community. Men served as ministers and deacons and thus were often most visible to outsiders, but women did much of the work that sustained and developed black

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[61]Clarence E. Walker, *Rock in a Weary Land: The African Methodist Episcopal Church during the Civil War and Reconstruction* (Baton Rouge: Louisiana State University Press, 1982); Montgomery, *Under Their Own Vine and Fig Tree,* 28-29, 59-71.

[62]On Avery Chapel: http://www.ourchurch.com/member/a/averychapel/index.php?p=1_2_About.

[63]Montgomery, *Under Their Own Vine and Fig Tree,* 121; Isaac Lane, *Autobiography of Bishop Isaac Lane, L.L.D., with a Short History of the C.M.E. Church in America and of Methodism* (Nashville, TN: The Church, 1916).

[64]Montgomery, *Under Their Own Vine and Fig Tree,* 27-28, 105-8, 112-16.

[65]*Encyclopedia Virginia*, s.v. "Black Baptists in Virginia (1865-1902)," by Sandy D. Martin, http://www.encyclopediavirginia.org/Black_Baptists_in_Virginia_1865-1902#start_entry.

churches. For instance, one study of Memphis found that as early as the 1860s, women organized church auxiliaries to raise funds for purchase of the land on which their churches stood; others developed a fund that enabled them to hire a physician to care for members of their community.[66] African Americans' efforts to build and sustain independent churches met significant opposition from whites. In many cases, when black congregations sought to purchase church buildings and the land on which they stood—or even claim title to land they had already purchased—white owners refused. Many white people also resorted to threats, violence, and arson to discourage African Americans from hosting schools or political meetings within their churches.[67]

Black churches nonetheless became foundations for a myriad of forms of black public life. The buildings themselves were spaces where African Americans could meet, talk, and plan without unwanted white interference. African American congregations used their churches to shelter the homeless, launch efforts to relieve the poor, educate children, and host political meetings. Church leadership adjudicated disputes within communities, resolving problems within an institution that many black Southerners trusted far more than local law enforcement officials. It was not uncommon for preachers to be directly involved in politics. Historian Eric Foner counted more than one hundred black elected officials during Reconstruction who had also been preachers.[68] One was Richard H. Cain, the minister of what is now Emanuel AME Church in Charleston, the site of the shocking murder of several parishioners in 2015. Cain was born free in Virginia but grew up in Ohio; he became involved in politics during the Civil War and in 1864 attended the Syracuse, New York, conference where black activists formed the National Equal Rights League. Sent to Charleston by the church hierarchy, he began publishing a newspaper and worked to build the church's congregation into a force in both religious and political life. Cain participated in the South Carolina constitutional convention of 1868 and went on to serve in the South Carolina statehouse and then the US House of Representatives.[69]

While many white Southerners continued to worship in their old churches, their religious practices were also changing. Many national denominations had split into northern and southern associations before the war over the question of slavery. After abolition, many northern Christians imagined they would easily reconcile, but many white southern churches instead insisted even after emancipation that slavery had always been justified by the Bible and that white northern churches were heretical for critiquing the institution on religious grounds. Many southern churches preached that the Bible had commonsensical, even literal, meanings, while liberalizing northern churches sought something closer to a spiritual essence. As northern churches turned toward the Social Gospel and reform, many southern churches turned inward, creating distinctive

[66]Kathleen C. Berkeley, "'Colored Ladies Also Contributed': Black Women's Activities from Benevolence to Social Welfare," in *The Web of Southern Social Relations: Women, Family, and Education*, ed. Walter J. Fraser Jr., R. Frank Saunders Jr., and Jon Wakelyn (Athens, GA: University of Georgia Press, 1985).

[67]Heather Andrea Williams, *Self-Taught: African American Education in Slavery and Freedom* (Chapel Hill: University of North Carolina Press, 2005), 107-10, 121, 123-25.

[68]Foner, *Reconstruction*, 93.

[69]On Cain: http://history.house.gov/People/Detail/10470.

sets of religious practices and beliefs. Of course not all southern churches were alike, and urban, middle-class southern churches, like their northern counterparts, often emphasized reform—especially temperance.[70]

Schools of all kinds were another product of black institution building during Reconstruction. Freedpeople were deeply committed to creating schools and cultivating literacy. Every state in the Confederacy except Tennessee had, before the war, outlawed schooling for slaves and free black people. Even then, some southern African Americans, free and enslaved, had nonetheless managed to learn to read—sometimes in underground schools, or by teaching themselves, or from a fair-minded owner or other white person. Many slaves were well aware of the power of literacy; indeed, they had seen what literacy could do for masters. From the earliest days of the Civil War, as the US Army advanced on the Confederacy, freedpeople formed schools taught by the literate few or by northern teachers, both black and white.[71] One of those schools was the Penn School

School teachers sent from the North by the American Missionary Association to teach freedmen standing in front of Mission House, and African American children, in Port Royal, ca. 1862. Photograph by Samuel A. Cooley. Civil War Stereoview Collection. Courtesy of LOC P&P.

[70]Mark A. Noll, *The Civil War as a Theological Crisis* (Chapel Hill: University of North Carolina Press, 2006); Edward J. Blum, *Reforging the White Republic: Race, Religion, and American Nationalism, 1865-1898* (Baton Rouge: Louisiana State University Press, 2005); Paul Harvey, *Redeeming the South: Religious Cultures and Racial Identities among Southern Baptists, 1865-1925* (Chapel Hill: University of North Carolina Press, 1997).

[71]James D. Anderson, *The Education of Blacks in the South, 1860-1935* (Chapel Hill: University of North Carolina Press, 1988), ch. 1; Williams, *Self-Taught*; Ronald E. Butchart, *Schooling the Freed People: Teaching, Learning, and the Struggle for Black Freedom, 1861-1876* (Chapel Hill: University of North Carolina Press, 2010).

(Penn School Historic District, NHL, 1974) on St. Helena Island, South Carolina, later renamed the Penn Center. Founded in 1862 as part of the "Port Royal Experiment," the Penn School was one of the earliest schools established by northern missionaries in the occupied South and part of a broader effort by the federal government—along with missionaries and private businessmen—to implant northern ideals of free labor and public education in the South.

Under direction of its founders, Laura M. Towne and Ellen Murray, the school began in The Oaks plantation house, headquarters of the occupying US military forces in the region. From there it moved to the Brick Church, a Baptist church on the center of the island, and soon the school had a building of its own. Penn School eventually became the only secondary school for African Americans on the island, a place where black teachers were trained, and a center of community activity. Towne and Murray were exceptionally committed to their students and the community, remaining on the island for some forty years. For decades the Penn School remained a rare site of both academic and industrial education and a training ground for black landowners in the region. Citizenship schools at Penn were crucial training grounds for young African American activists in the post-World War II era. For more than a century, Penn School thus remained a crucial place for educational, community, and political organizing—a center that links the democratic aspirations of Reconstruction to those of the civil rights movement, and beyond.[72]

Throughout the South, former slaves led the way in raising money for schools, seeking out teachers, and soliciting support from northern missionary associations and the Freedmen's Bureau. According to one estimate, by 1870 southern African Americans had contributed more than $1 million (in contemporary dollars) to education.[73] Schooling was not only for children. Having been denied the chance to learn reading, many adults sought lessons in evening schools that convened after the workday was over, during lunch breaks, and at home where their children could teach them.[74]

The largely impoverished black population of the South could not, however, financially support the schools they needed. Southern black leaders sought help from northern missionary associations and also the federal Freedmen's Bureau. As in the case of marriage, schooling was a place where the goals of many freedpeople converged with those of the United States government. The bureau had a limited budget (and limited duration), and its agents worked closely with northern missionary societies to place teachers in schools and, in many cases, provide materials with which to build schools.[75]

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[72]The Penn Center was designated a National Historic Landmark in 1974 for its role in African American education, citizenship, and landownership during Reconstruction. The Oaks plantation house is extant and is listed in the National Register of Historic Places. Vernon Burton with Wilbur Cross, *Penn Center: A History Preserved* (Athens, GA: University of Georgia Press, 2014).

[73]Foner, *Reconstruction,* 98.

[74]Williams, *Self-Taught*, 167-72; Butchart, *Schooling the Freed People,* 7.

[75]Foner, *Reconstruction,* 144-48; George R. Bentley, *A History of the Freedmen's Bureau* (New York: Octagon Books, 1970), ch. 12.

The Misses Cooke's School Room, Freedmen's Bureau, Richmond, VA, 1866. *Frank Leslie's Illustrated Newspaper* 23 (November 17, 1866): 132. Courtesy of LOC P&P.

Many schools were staffed by African American teachers, among them Charlotte Forten, a Philadelphia native who kept a vivid diary (now published and widely available) about her experiences with the Port Royal Experiment. Yet the expansion of education for freedpeople in the South also afforded opportunities for a relatively small number of white Southerners, as well as for idealistic Northerners like Towne and Murray who sought a field of work that felt meaningful. Much like the Peace Corps of more recent times, such people saw an opportunity to play a role in changing the world for the better by helping to bring skills to a long-oppressed people. Black and white Northerners, men and women, moved south to teach freedpeople. For many women in particular, teaching in the South allowed them to achieve new forms of economic and political independence from their families. White missionary teachers' attitudes toward pupils varied; some held racist assumptions about the capacities of black students while others had a more egalitarian perspective. A few spent the rest of their lives in the South.

Among northern African Americans, too, a variety of impulses motivated decisions to move south. Some sought economic and professional opportunities not available to them in the North; others viewed education of freedpeople as the most important social cause of their era. Some quickly returned to the North, while others found their calling in the former slave states and

stayed on.[76] The career of writer Charles Chesnutt offers an instructive example. Chesnutt's parents hailed from Fayetteville, North Carolina, and had moved to Ohio before the Civil War in search of greater opportunity. Charles was nine years old when the war ended and the family returned to Fayetteville, where his father opened a grocery store. Fayetteville's black community, intensely committed to education, had inaugurated two schools, and by 1867 the Freedmen's Bureau was helping. Charles Chesnutt began teaching in the Freedmen's Bureau school in Fayetteville when he was just fourteen years old. Fayetteville remained a center for African American education. The city's privately run school for teacher training, where Chestnut worked, was in 1877 chartered by the state government, making it the South's first public school for the education of black teachers. Then known as State Colored Normal School, it is now Fayetteville State University. Chesnutt himself moved back to Ohio in 1878, where he developed a successful literary career, becoming the first African American to publish in the *Atlantic Monthly* and authoring, among other works, a biography of Frederick Douglass and a fictionalized treatment of the Wilmington Massacre of 1898 titled *The Marrow of Tradition* (1901).

On balance, freedpeople preferred African American teachers for their children, feeling that they would be good role models for children and less likely to harbor racial prejudices. As growing numbers of African Americans had education sufficient to teach and as missionary associations diminished their efforts, black teachers began to outnumber white teachers in the black schools. Black communities often held black teachers in high regard. Many had been free before the war, and some hailed from the northern states. With skills in reading and math, teachers were often best equipped to help freedpeople navigate the world of contracts and law, and in this role they sometimes served as intermediaries with whites. Many ran successfully for political office. For instance, both Hiram Revels of Mississippi and George Washington Murray of North Carolina worked as teachers before winning seats, respectively, in the US Senate and US House of Representatives.[77]

When Republicans took power in southern state governments, they made funding for public education a priority, and many of the early freedpeople's schools were incorporated into public school systems. In fact, prior to the Civil War, southern states had done little to provide primary education to any of their citizens, leaving the wealthy to obtain private schooling for their children. The era of Republican governance during Reconstruction marked the onset of significant public education in the South for both white and black children. When the Democrats resumed control, they often dramatically scaled back school funding, particularly for African American schools in rural areas, but Democrats, too, saw public education as crucial to the South's modernization and never attempted to dismantle it entirely.[78]

African Americans and their white allies also established institutions of higher education designed to build a black professional class that included teachers, doctors, and lawyers. In fact, many of today's historically black colleges and universities date to the Reconstruction era. Missionary associations together with local black activists, in some cases with support from state

[76]Ronald Butchart, *Schooling the Freed People*, chs. 2, 3, 4; Rose, *Rehearsal for Reconstruction,* ch. 2.

[77]Butchart, *Schooling the Freed People,* ch. 2; for political offices, see 42.

[78]Anderson, *Education of Blacks in the South,* ch. 1.

governments, established the African American colleges in the South, among them, Fisk, Shaw, Hampton, Tougaloo, Morehouse, Spelman, Tuskegee, and Howard, all of which made teacher training a high priority. In some cases, the link between independent churches and institutions of higher education was especially clear. For instance, Atlanta's Friendship Baptist Church, founded in 1862 by former slaves with help from white Baptists in Cincinnati, was the birthplace of three colleges: Atlanta University, Morehouse, and Spelman.[79] Many early black colleges were founded on the principle that students of all races would be welcomed but soon became *de facto* black-only schools. By the 1870s, many African American political and religious leaders in the South had benefitted from such schools. Teaching in black schools became a crucial avenue for advancement for African Americans, whose job prospects in skilled trades and the professions remained curtailed by the discriminatory hiring practices of white employers and by white laborers' opposition to working alongside blacks.[80]

Some states also established public colleges for African Americans, partially out of a desire to provide opportunities for higher education and partially in efforts to keep blacks from pressing demands to attend existing (white) public state universities. One such college was Fayetteville State University, mentioned above. Others included schools now known as Alcorn State University (Oakland Memorial Chapel, NHL, 1976), Alabama State University, Southern University, and Virginia State University. Alcorn had a black board of trustees and its first president was Hiram Revels, a former minister who was the first black man to serve as a United States senator. Among southern public universities, only the University of South Carolina attempted desegregation, but when Henry E. Hayne became the first black student to enroll, a majority of the white students and much of the faculty withdrew. The racially integrated board hired new faculty, including Richard T. Greener, the first African American to receive a bachelor's degree from Harvard. The state sustained its experiment in racially integrated higher education for several years, but when the Democrats took power in 1877, they closed the university; when they reopened it in 1880, it was designated for white students only.[81]

The years after emancipation also witnessed an outpouring of black civic and philanthropic associations, particularly in towns and cities. In some places, African Americans' mutual aid societies and social clubs preceded the Civil War but had remained clandestine and out of sight of white people, who perceived them as threatening and had made them mostly illegal. With emancipation and Reconstruction, those organizations came out in the open, and suddenly African Americans appeared in public streets and parks, carrying banners proclaiming their membership in Masonic lodges, burial societies, temperance leagues, debating societies, and a host of other organizations.[82]

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[79]For Friendship Baptist: http://clatl.com/freshloaf/archives/2014/05/27/friendship-baptist-church-holds-final-service-in-historic-building-before-stadium-demolition. More generally, see Howard J. Rabinowitz, *Race Relations in the Urban South, 1865-1890* (New York: Oxford University Press, 1978), 156-57; Williams, *Self-Taught,* 174-78.

[80]Rabinowitz, *Race Relations in the Urban South,* 161-63; Foner, *Reconstruction,* 145.

[81]Michael David Cohen, *Reconstructing the Campus: Higher Education and the American Civil War* (Charlottesville: University of Virginia Press, 2012), 118-26; Foner, *Reconstruction,* 368.

[82]Rabinowitz, *Race Relations in the Urban South,* 227-29; Peter J. Rachleff, *Black Labor in the South: Richmond, Virginia, 1865-1890* (Philadelphia: Temple University Press, 1984), 24-32; Foner, *Reconstruction*, 95.

The records of the Freedman's Savings and Trust Company, commonly known as the Freedman's Bank, offer a window into the post-emancipation explosion of black organizations. White reformers, including leaders of the Freedmen's Bureau, established the bank in 1865. A privately owned bank, it was chartered by Congress, and because of its close connections to government officials, many believed it had the imprimatur of the Freedmen's Bureau. An institution eminently characteristic of its era, the Freedman's Bank was designed to establish good saving habits among freedpeople while creating a robust financial institution that would benefit the managers themselves. The bank's leading historian counted thirty-seven branches, most of them in southern cities. It began with branches in Norfolk, Richmond, and Washington, DC, and soon expanded to other southern cities. Officials prioritized opening branches in cities with large African American populations or where black soldiers were being mustered out. They were particularly interested in persuading the newly minted veterans to entrust their bounties and back pay to savings accounts. In the North, branches in New York City and Philadelphia were designed to appeal to existing black populations and freedpeople who migrated from the South.[83]

Freedpeople, particularly in southern cities, eagerly deposited their personal savings and established accounts for their organizations. In Memphis, for example, historian Kathleen Berkeley found that between 1866 and 1874, 220 black organizations deposited funds in the Memphis branch of the Freedman's Bank. Among the depositors in Memphis were church-related benevolent societies of men and women including the Daughters of Zion, the Advent Benevolent Society, the Sons of Ham, and the Sons and Daughters of Canaan. Almost two-thirds of the organizations were associated with churches. Among those that were apparently secular were literary societies, school funds, fraternal lodges and their women's auxiliaries, and mutual aid societies. Almost 30 percent were women's associations, and among those that included men and women, women often served in leadership positions.[84]

Such institutions reflected African Americans' sense of collective responsibility and a commitment to racial uplift. In mutual aid societies, members pooled their resources to create insurance programs that provided funeral benefits when people died or relief for those who became incapacitated or too old to work. Some societies raised money to pay teachers, some sponsored evening schools, and some were devoted to the arts. Through such organizations, African Americans combined their often-meager personal resources to create collective institutions that served their communities, including philanthropic ones designed to educate and uplift the most vulnerable members.[85]

Tragically, the Freedman's Bank was far more precarious than depositors realized and subject to forces well beyond their control. The financial panic of 1873 bankrupted the institution and, in an era without deposit insurance, account holders had no recourse other than to petition the

[83]For a list of branches see Carl R. Osthaus, *Freedmen, Philanthropy, and Fraud: A History of the Freedman's Savings Bank* (Urbana, IL: University of Illinois Press, 1976), 230-34. The building that housed the Freedman's Bank in Washington, DC, is no longer extant, and the Treasury Department Annex now stands on the site. In January 2016, the Treasury Department named the Annex the Freedman's Bank Building. "Treasury to Commemorate 150th Anniversary of Freedman's Bank," US Department of the Treasury, last modified December 29, 2015, https://www.treasury.gov/press-center/media-advisories/Pages/12292015.aspx.

[84]Berkeley, "Colored Ladies Also Contributed," 191-92.

[85]Ibid.; Rachleff, *Black Labor in the South,* 24-32.

federal government for redress. The government, however, refused to step in on the depositors' behalf. Well into the twentieth century, depositors and their descendants sought to reclaim their lost investments. The US comptroller of the currency was eventually put in charge of managing the bank's bankruptcy; when all accounts were finally closed out in 1919, a government report showed that of the almost three million dollars due depositors at the time the bank failed, just 1.7 million had been repaid.[86]

Disillusioned by the failure of the Freedman's Bank and discriminated against by white-owned banks, African American organizations—always oriented around community self-help—turned their attention to the creation of independent banks designed to support black communities. The first black-owned banks were established in Washington, DC, and Richmond, Virginia, in the late 1880s, and they were soon followed by others, including the St. Luke Penny Savings Bank (St. Luke Building, National Register of Historic Places [NRHP], 1982), established in Richmond by Maggie Lena Walker. Born ca. 1867, Walker availed herself of the new educational opportunities available to African Americans during Reconstruction. She attended Richmond's Colored High and Normal School and worked as a teacher before becoming a leader of the Independent Order of St. Luke, a mutual benefit society. In 1903, Walker was a leading figure in the creation of the St. Luke Penny Savings Bank, an independent bank that solicited the small savings of members of her Richmond community. More generally, black-owned banks proliferated after the turn of the century, providing a crucial source of income and credit for African American businesses and individuals.[87]

As former slaveholding states became increasingly urbanized in the decades after the Civil War, cities became hubs of black public life and social organization. In many cases, black urban populations had begun to grow during the war itself, as slaves—fleeing from the countryside—found that in cities they could be freer of white supervision and perhaps disappear into a larger and more anonymous population. Skilled laborers were more likely to find work in cities, where demands for labor were more diverse than in the countryside. Thus cities became home to a disproportionate number of black artisans and the tiny but growing black professional class, particularly lawyers and doctors trained at new black colleges and universities.[88]

Yet life in the cities was not easy. Southern cities like Atlanta and Raleigh were growing rapidly, as the inland South became increasingly connected by railroad lines and as manufacturing expanded. And many of the cities were unprepared for the influx of new residents, white and black. Housing of black and white people had been relatively integrated before the war, as free blacks and slaves often lived close to the whites for whom they worked. The postwar years witnessed the emergence of increasingly segregated housing patterns. Black neighborhoods often developed on the sites of wartime "contraband camps," which were frequently located on

[86]Jonathan Levy, *Freaks of Fortune: The Emerging World of Capitalism and Risk in America* (Cambridge: Harvard University Press, 2012), 146; On the Freedman's Bank, see also Osthaus, *Freedmen, Philanthropy, and Fraud*.

[87]Schweninger, *Black Property Owners,* 172; Elsa Barkley Brown, "Womanist Consciousness: Maggie Lena Walker and the Independent Order of St. Luke," *Signs* 14, no. 3 (Spring 1989): 610-3l; Elsa Barkley Brown, "Constructing a Life and a Community: A Partial Story of Maggie Lena Walker," *OAH Magazine of History* 7, no. 4 (Summer 1993): 28-31. Maggie Lena Walker's home is a National Historic Site.

[88]Rabinowitz, *Race Relations in the Urban South*, ch. 4.

the outskirts of towns and in low-lying areas where land values were relatively low. White civic leaders used an array of tactics to reinforce racial segregation in housing and made clear that black patrons were not welcome at white business establishments, restaurants, banks, and other institutions. One result of the rise of "Jim Crow" segregation and the disadvantages associated with it, however, was the growth of thriving black business and entertainment districts in many southern cities and towns.

For instance, in the years just after the Civil War, Memphis's Beale Street (Beale Street Historic District, NHL, 1966), now known as an incubator of early blues music, was characterized by a myriad of black businesses and community institutions. From 1866 to 1874, Beale Street hosted some twenty black-owned businesses; toward the end of the century, the businessman Robert Church helped cement its standing as a center for African American culture and commerce. The activist journalist Ida B. Wells worshipped at Beale Street Baptist Church, which was also the site of an 1880 visit by former president Ulysses S. Grant.[89]

African American expressive culture flourished in this dynamic period. In the countryside, and especially in towns and cities, African Americans created new kinds of music that would fundamentally shape American popular culture. Often in bars, restaurants, and lounges owned by African Americans, black musicians experimented with merging a folk culture forged in slavery—which itself was a hybrid of west and central African and west European traditions—with new experiences and new technologies of music-making. Blues music flourished in the Mississippi Valley, while jazz developed especially powerfully in the heterogeneous culture of New Orleans. As the National Park Service explains, early jazz figures including Louis Armstrong and Lee Collins described being affected by the music and processions of the city's Mardi Gras "Indians." At once the product of the struggles of Reconstruction and of music makers' engagement with a new and changing world, blues and jazz originated in African Americans' experiences after the Civil War.[90]

The institutions that African Americans established during the early years of Reconstruction served to stabilize communities and provided them resources crucial to their survival. As the political winds shifted and Republicans lost power in the states, black community institutions persisted. Black families continued to nurture their children, and communities—however strapped—did what they could to promote the well-being of all people. Black institutions continued as foundations of community life, despite increasingly effective efforts by many white Southerners to secure a system of racial apartheid.[91]

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[89]Rabinowitz, *Race Relations in the Urban South,* ch. 5. For Beale Street, see *The Tennessee Encyclopedia of History and Culture*, Version 2.0, s.v. "Beale Street," by Bobby L. Lovett, http://tennesseeencyclopedia.net/entry.php?rec=67.

[90]Leon F. Litwack, *Trouble in Mind: Black Southerners in the Age of Jim Crow* (New York: Knopf, 1998), 447-57; David Nicholls, ed., *The Cambridge History of American Music* (New York: Cambridge University Press, 1998), 285-86, 388-404, 407-10; For jazz history, see the National Park Service's New Orleans Jazz National Historic Park website, https://www.nps.gov/jazz/learn/historyculture/history_early.htm.

[91]Hunter, *To 'Joy My Freedom,* ch. 6; Barkley Brown, "Womanist Consciousness"; Gilmore, *Gender and Jim Crow*; Litwack, *Trouble in Mind,* 374-403.

The most renowned African American leader of the era was Booker T. Washington, a savvy educator whom many whites construed as a spokesman for "his race." Washington, who was born enslaved in Virginia, attended Hampton Normal and Agricultural Institute in Virginia and later became the founding superintendent of Tuskegee College (now Tuskegee University) (Tuskegee Institute, NHL, 1965) in Alabama. Scholars once viewed Washington as a man who bent over backward to accommodate racist white Southerners, advocating "industrial education," which essentially meant training African Americans only for menial jobs. With deeper research and greater distance, however, historians have come to understand Washington's leadership in the context of the difficulty and complexity of his era. Faced with lynching and violence and forced to abandon the more democratic hopes of earlier years, Washington stood up forcefully for African American educational institutions, advocating advanced training where he could, and promoted black-owned businesses even as he also seemed to accede to the rollback of political rights and promised white Southerners that black laborers would provide a docile labor force, free from the violent strikes that characterized northern labor relations in these years.[92]

Portrait of Mary Church Terrell, 1880. Courtesy of LOC P&P.

African American women also continued institution-building activities that remained critical to the well being of communities. They had continued to cultivate the kinds of local organizations they began immediately after the war, adjusting their activities to the needs of their communities and gradually forming coalitions with other likeminded black women's groups, first in their own areas and, eventually, across the country. In 1896, leading women from Washington and Boston called for the formation of a national black women's organization. Meeting that summer at the First Baptist Church in Washington, DC, they founded the National Association of Colored Women (NACW). The organization's first president, Mary Church Terrell, stated the next year that activist black women saw themselves as "the mothers, wives, daughters, and sisters of our race." The NACW existed, she said, "because our peculiar status in this country at the present time seems to demand that we stand by ourselves in this special work for which we have organized."[93] Terrell herself was the daughter of a prominent Memphis businessman, Robert Church, who had been shot and wounded by the mob in the 1866 Memphis Massacre but managed to prosper in subsequent years, in large part through real estate investments. Mary graduated from Oberlin College and spent most of her adult life in Washington, DC. She served on the District of Columbia board of education and was among the

[92]Litwack, *Trouble in Mind,* 352-73. Booker T. Washington's birthplace is preserved and commemorated as the Booker T. Washington National Monument and the Tuskegee Institute National Historic Site is a unit of the National Park Service.

[93]Quoted in Berkeley, "Colored Ladies," 185.

founders of the National Association for the Advancement of Colored People (NAACP). In her eighties in 1950, she helped black Washingtonians demand the end of segregated restaurants in that city, securing a court victory in the case of *District of Columbia v. John R. Thompson Co*. (1953). Born to former slaves in the year of the Emancipation Proclamation, she dedicated much of her long life to fighting for the rights and dignity of women and African Americans. She died in 1954, months after the Supreme Court's decision in *Brown v. Board of Education of Topeka.* Across the decades, black women's organizing work often consisted of creating, staffing, and raising money for institutions such as orphanages, homes for the elderly, cemeteries, and schools. Even as that work produced institutions that were crucial to black survival in the Jim Crow era, it also helped develop something less tangible—a sense of shared identity and mutual obligation.[94]

Despite the growing strictures imposed by terrorism, disenfranchisement, and economic oppression, by the end of the century a proportionately small number of southern African Americans had managed to obtain access to land, education, and professional training. Emancipation and Reconstruction had produced new opportunities for those few African Americans who had helpful connections, special talents, and good luck. Growing differences in class and education among African Americans sometimes produced divisions within communities. Some upwardly mobile people adopted a paternalistic attitude toward poorer folk, seeking to reform their worship practices, for example, or creating exclusive organizations designed to cultivate social networks among select groups. Increasing class stratification among African Americans was a predictable consequence of differences in opportunity that—in some cases—went back generations.[95] Yet such class divisions were also the source of soul-searching and controversy. To what extent were African Americans one people unified by the experience of being black in the United States? Did black Americans with access to unusual opportunity have an obligation to reach a hand back to those who were less fortunate, or could they afford to pursue their individual dreams and desires much as white people seemed to? African Americans debated such questions during Reconstruction, and the conversation continues to this day.

[94]See n. 66 above.

[95]Rabinowitz, *Race Relations in the Urban South,* 238-54.

PART THREE: ENFRANCHISEMENT/NEW DEMOCRACY

Entered according to act of Congress in the year 1872 by Currier & Ives in the Office of the Librarian of Congress at Washington.
U.S. Senator, H.R.REVELS, of Mississippi
ROBERT C. DE LARGE, M.C. of S.Carolina.
BENJ. S. TURNER, M.C. of Alabama.
JEFFERSON H. LONG, M.C. of Georgia.
JOSIAH T. WALLS, M.C. of Florida.
JOSEPH H. RAINY, M.C. of S.Carolina.
R. BROWN ELLIOT, M.C. of S.Carolina.
THE FIRST COLORED SENATOR AND REPRESENTATIVES.
In the 41st and 42nd Congress of the United States.

The First Colored Senator and Representatives in the 41st and 42nd Congress of the United States, 1872. Group portrait of African American legislators from left to right: H. R. Revels, Benjamin S. Turner, Robert C. De Large, Josiah T. Walls, Jefferson H. Long, Joseph H. Rainy [Rainey], and R. Brown Elliot. Courtesy of LOC P&P.

Reconstruction witnessed a great contest over the fundamental question of who was entitled to have a voice in the American political process. The destruction of slavery itself opened up the question. Would African Americans newly freed from slavery—some four million—be permitted to participate in politics on the same terms as white people? Voting rights for African Americans had the potential to totally upend the southern political order. Almost 40 percent of residents of the former Confederate states were black, and in a few states they constituted a majority or nearly so. Thus the enfranchisement of black men might usher in an entirely new era in southern life. The impulse to remake American democracy and voting rights pulled in many directions. Women suffragists stepped forward to argue that the nation should move away from the idea that men alone should wield the vote. Growing concerns among upper-class Americans about an increasingly immigrant-heavy electorate in northern cities likewise shaped the debate about how democratic the nation should become. During Reconstruction the government remade the country's political system, not once, but twice. Few other moments capture the centrality of popular politics to the nation's history and the difficulty of sustaining a broad-based democracy in periods of political and economic strife.[96]

The Judiciary Committee of House of Representatives receives a deputation of female suffragists on January 11, 1871, arguing for women's rights based on the recent passage of the Fourteenth and Fifteenth Amendments. *Frank Leslie's Illustrated Newspaper* 31, no. 801 (February 4, 1871): 349. Courtesy of LOC P&P.

When the Civil War arrived, democracy in the United States was at a fragile point. Since the nation's founding, the question of who could vote had been wholly decentralized. States decided, without restriction, who was qualified and who was not. In the early nineteenth century, states moved away from the idea that only male taxpayers or property owners should vote and began to extend the vote to propertyless and working-class white men. In part the shift reflected the changing nature of nineteenth-century American society. With more people living in cities, property restrictions excluded not just working-class men but even substantial business owners. With increased pressure from disenfranchised white men, political parties competed to expand the franchise and win their allegiance. Even more significant was the creation of new states out of the former territories. As they fashioned constitutions, many new states not only escaped from the bonds of tradition but also expanded the franchise as a way of recruiting white men. Through political pressure, party competition, and competition among states, poorer and even propertyless white men gained the right to vote even before widespread industrialization. But expanding the vote to some people often went along with retracting it from others. In the Early Republic,

[96]Eric Foner, *Reconstruction: America's Unfinished Revolution* (New York: Harper and Row, 1988), xxiii-xxiv.

many states with high property qualifications had not excluded African Americans from the vote on racial terms. Although few African Americans had the property to qualify, state law was not explicitly racist. With the expansion of voting rights to propertyless white men in the 1820s and later, however, race emerged as a way of defining some groups as unworthy. States like New Jersey, Maryland, Connecticut, North Carolina, and Pennsylvania that had once permitted at least some African American voting now introduced racial exclusions of African Americans as they expanded the vote to propertyless white men. Beginning with Ohio in 1803, every state that entered the Union, except Maine, barred African Americans from voting. Even New York, which did not bar all African Americans, created a high property standard for African Americans even as it eliminated the standard for whites.[97]

In the 1850s, the forces of exclusion seemed to be gaining momentum. As immigration from Ireland increased dramatically after 1845, and as industrialization created what seemed to be a permanent working class, growing calls circulated to exclude those not seen as worthy of belonging to the political community. Several states that had once permitted resident non-citizens to vote now specifically required citizenship status and sometimes added a waiting period after naturalization. Connecticut and Massachusetts added literacy and understanding tests to exclude illiterate Irish immigrants. Nationally the Know-Nothing Party emerged as a political force, gaining power in several state governments on a platform to exclude immigrants from the political system, perhaps forever. In this context, voting increasingly was defined not as a right but a privilege, one that only belonged to responsible members of the political community. By comparing immigrant men to all women—excluded everywhere after an early-century revision in New Jersey's electoral laws—politicians who supported exclusion emphasized the unmanly nature of some men, their dependence upon their employers, their seeming subservience to an autocratic Catholic Church, or their alleged lack of mental capacity. Although the Know Nothing party movement collapsed, it appeared that early momentum to expand the franchise had been reversed or at least stalled; many Americans believed the exclusionary impulse revealed in the disenfranchisement of black Northerners included European immigrants as well, and Chinese immigrants on the West Coast.[98]

But the Civil War and Reconstruction created dramatic new openings in the political system. They set the stage for one of the most significant expansions of democracy in the country's history. The march of exclusion not only paused but was overthrown. To some degree the cause of this reversal must be found in the war itself. From the beginning, the Civil War depended upon the mass enlistment of male volunteers. Immigrants responded in turn, often enthusiastically. With German and Irish and Hungarian and other immigrant-organized units answering the call of the nation, even former Know Nothings recognized that the United States needed immigrants. Other politicians celebrated the commitment to the nation these men demonstrated and saw it as proof of their worthiness for the vote. At first, however, such gains seemed irrelevant to African Americans. Although northern African American communities mobilized to support the war, and

[97]Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States*, rev. ed. (New York: Basic Books, 2009), 43-59.

[98]Ibid., 65-68; Tyler Anbinder, *Nativism and Slavery: The Northern Know Nothings and the Politics of the 1850s* (New York: Oxford University Press, 1992), 3-19, 194-219.

Southern slaves ran to US lines, the US government excluded African Americans from service in the US Army. As the nation's need for soldiers grew, and as African Americans demonstrated their loyalty to the country, the government began to permit black men's enlistment late in 1862. By the end of the fighting, about 180,000 black men had served in the US Army and 20,000 more in the navy, with many other African American men and women supporting the war effort as civilians employed by the army.[99]

Although the army at first paid African Americans unequally, their presence in uniform signaled their potential inclusion in the body politic. A first question was their citizenship status. The *Dred Scott* case denied that African Americans were citizens of the nation. Beginning with Attorney General Edward Bates' 1862 opinion, however, the Lincoln administration began to act on the presumption that free African Americans were in fact citizens. With the emancipation of African Americans who made it to US lines under confiscation acts passed by Congress in 1861 and 1862 and then the freeing of more than three million slaves by the Emancipation Proclamation, growing numbers of African Americans seemed poised to claim citizenship. But such wartime acts required enforcement by the administration. As of the end of battlefield fighting in the spring of 1865, the *Dred Scott* case had not been overturned, no additional state allowed blacks to vote, nor had any law clearly fixed the status of freedpeople.[100]

Wartime experimentation in the defeated Confederate states provided the first glimmer of hope that African American men would gain the right to vote. As the United States worked with loyalists to establish a new government of Louisiana, members of New Orleans's longstanding free community of color petitioned Abraham Lincoln directly for suffrage in January 1864. Although Lincoln suggested that limited black suffrage be included in the state's new constitution, Louisiana's constitutional convention rejected the idea. This setback, however, helped push New Orleans' free people of color—sometimes called *gens de couleur libres* or *creoles*—to make common cause with ex-slaves in Louisiana's plantation belt; it was clear that they would not prevail if they attempted to separate their own interests from the interests of those who had only recently become free. The US Congress also saw a potential opening in Louisiana, as the situation there helped prompt congressional Republicans to try to assert control over Reconstruction. Although some Republicans tried to extend the vote to black soldiers, the final bill, known as the Wade-Davis Bill, did not include that provision. It did, however, permanently disenfranchise ex-Confederates who held high civil or military offices. Yet President Lincoln vetoed the bill, and so control remained with the president and, through him, with the military and the new governments being created on the ground.[101]

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[99]Don H. Doyle, *The Cause of All Nations: An International History of the American Civil War* (New York: Basic Books, 2015), 158-84; Joseph T. Glatthaar, *Forged in Battle: The Civil War Alliance of Black Soldiers and White Officers* (New York: Free Press, 1990), 11-34; Ira Berlin et al., eds., *Freedom: A Documentary History of Emancipation, 1861-1867*, ser. 2, *The Black Military Experience* (New York: Cambridge University Press, 1982), esp. 1-34.

[100]Carole Emberton, "'Only Murder Makes Men': Reconsidering the Black Military Experience," *Journal of the Civil War Era* 2, no. 3 (September 2012): 369-393.

[101]Foner, *Reconstruction*, 48, 61-62; William C. Harris, *With Charity for All: Lincoln and the Restoration of the Union* (Lexington: University Press of Kentucky, 1997), 171-96, 229-64; Peyton McCrary, *Abraham Lincoln and Reconstruction: The Louisiana Experiment* (Princeton: Princeton University Press, 1978), 3-18.

As the US Army—backed by roughly 180,000 African American soldiers—pushed back the Confederates over the course of 1864, freedpeople in the North pressed increasingly for suffrage. For decades before the war, African Americans had organized in state and national conventions and had lobbied state legislatures to grant them the right to participate in the political process. Now, in a national convention in Syracuse, African Americans called for the vote as both a human right and a just reward for loyal service in the war. They formed an organization called the National Equal Rights League, whose president was John Mercer Langston, then of Philadelphia. The goal was to create branch organizations across the country to pursue shared goals of full citizenship and equal rights for African Americans. Organizing continued in local areas. For instance, as Tennessee white voters remade their state's constitution, freedpeople in convention there called for enfranchisement as a means of protecting their rights. Increasingly, Republicans began to contemplate expanding the vote, something unthinkable even a year or two earlier. In April 1865, in what would be his final speech, Lincoln offered his first public support for extending voting rights to "very intelligent" African Americans and "those who serve our cause as soldiers."[102]

Portrait of Andrew Johnson, ca. 1860-75. Brady-Handy Collection. Courtesy of LOC P&P.

In 1866, black men's enfranchisement emerged as a pivotal issue—perhaps the pivotal issue—for Reconstruction policymaking in Washington and politics on the ground in the South. With Lincoln's death the question seemed to pass to his successor, Andrew Johnson. Across the North and in portions of the defeated Confederacy, freedpeople, including Frederick Douglass, and some white Republicans like Charles Sumner and Thaddeus Stevens pressed Johnson to extend the vote to freedmen. Supreme Court Justice Salmon P. Chase, a longtime anti-slavery attorney and supporter of African American suffrage, saw a chance to persuade Johnson to extend the vote. To convince Johnson, Chase toured Virginia, North Carolina, and South Carolina, and witnessed white Southerners' efforts to rebuild their political power. Additionally, and less reliably, Chase became convinced that white Southerners would acquiesce to black voting if Johnson acted quickly. Therefore, he wrote letters urging Johnson to this course. For a time Radicals and African Americans held the hope that Johnson might go farther than Lincoln

[102]McCrary, *Abraham Lincoln and Reconstruction*, 3-18; Harris, *With Charity for All*, 229-64; Louis P. Masur, *Lincoln's Last Speech: Wartime Reconstruction and the Crisis of Reunion* (New York: Oxford University Press, 2015); "Last Public Address," in *Collected Works of Abraham Lincoln*, ed. Roy P. Basler, vol. 8 (New Brunswick, NJ: Rutgers University Press, 1953), 399-405.

and resolve voting rights once and for all. But in fact Johnson disappointed them. Beginning in late May 1865 he issued proclamations reorganizing state governments, and he allowed those governments to restrict the vote solely to whites eligible under older state constitutions.[103]

Supporters of black men's enfranchisement realized that they could not rely on the president and that they must work to build popular support. In the South, ex-slaves drew upon their understandings of politics, honed as slaves during the tumultuous debates of the 1850s and refined during the war itself to fashion increasingly cohesive local political organizations. Rooted in kin groups, churches, and neighborhoods, ex-slaves worked collectively to shape labor arrangements and to engage politically. Although many of these initial organizations had intensely local roots, constructed from associations developed in slavery, ex-soldiers, black Northerners, and a relatively small number of radical white Northerners helped develop them into broader, regional and national organizations. In the South they made Union Leagues and Loyal Leagues, originally founded in the North to support the war effort, into largely African American political and paramilitary organizations that linked regional networks into statewide and region-wide coalitions. Inspired but in many ways not governed by their northern predecessors, these Union and Loyal Leagues were located both in large cities like Wilmington and Charleston and Mobile, and in dozens of smaller towns like Company Shops, North Carolina. Over 1865 and 1866, these organizations petitioned state governments for the vote, worked to alter labor relations, and lobbied Congress to include suffrage in the Fourteenth Amendment moving through Congress.[104]

The Fourteenth Amendment (discussed in more detail in the Federal Power section of this study) was designed to resolve numerous problems, among them the fact that emancipation would increase southern states' representation in Congress after the 1870 census, since each former slave would now be counted as a person, not as three-fifths of one; and the still unresolved problem of African Americans citizenship. Although Republicans considered some versions of an amendment that would have enfranchised African American men, dispiriting electoral losses in northern state referenda on black voting—especially in Connecticut—led them to choose language that penalized states that withheld the vote from black men but did not affirmatively require that states allow black men to vote. Congress also considered permanently disenfranchising some ex-Confederates, but resistance by moderate Republicans led to a Fourteenth Amendment that barred from high office, but not from voting, those Confederates who had taken and broken oaths of allegiance to the United States. In the end, the Fourteenth Amendment, in addition to providing for the disenfranchisement of certain former Confederates, established national birthright citizenship, required states to treat all persons with due process and equal protection under the laws, promised to pay the federal debt, and barred payment of rebel debts.

Passed in June 1866, the Fourteenth Amendment was not ratified until July 1868. During the summer of 1866, prospects for black men's enfranchisement seemed dim. President Johnson

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[103]Michael Perman, *Reunion without Compromise: The South and Reconstruction, 1865-1868* (New York: Cambridge University Press, 1973), 18-25, 28, 57-58. Chase's letters to Johnson are included in Brooks D. Simpson, LeRoy P. Graf, and John Muldowney, eds., *Advice after Appomattox: Letters to Andrew Johnson, 1865-1866* (Knoxville: University of Tennessee Press, 1988), 17-38.

[104]Hahn, *Nation Under Our Feet*, 116-62.

fiercely opposed it, and the Fourteenth Amendment (which had not yet been ratified) did not demand it. Everything turned on the fall 1866 midterm elections in the North. Had Johnson's allies won, black men's enfranchisement might never have happened.[105]

Instead, Republicans won a crushing victory in the fall elections. Although some northern voters had rejected state-level referenda on black men's enfranchisement, they were disillusioned with Johnson's lenient policies toward the ex-Confederate states. With the winds of popular opinion at their back, Republicans returned to Washington for a short session in December 1866. Supporters of black men's enfranchisement in the North and the South flooded Congress with letters and petitions. In the Military Reconstruction Acts, congressional Republicans ordered the army to register both black and white male citizens (but not some high-ranking Confederates) to vote for new state constitutions. At conventions in almost all of the former rebel states, freedpeople and their white allies wrote biracial suffrage into state law. With the question of voting in the air, some states, especially those with relatively large white Unionist populations, also excluded some Confederates from the vote, although African American politicians generally supported allowing Confederates to retain their political rights. In Tennessee, Arkansas, and Missouri, particularly, the conflict over Confederate exclusion was bitter. By the mid-1870s, however, disenfranchisement of ex-Confederates had ended everywhere.[106]

On the ground in the South, networks that African Americans had developed in slavery and the war coalesced into the Republican Party. Political leaders emerged who would shape local and national politics for a generation. Some, like Hiram Revels and Henry McNeal Turner, had been freeborn people of color in the South who had received educations and found work as ministers in the North. Moving to Natchez, Mississippi, as a pastor, Revels quickly became alderman, state legislator, and US Senator. Turner, who served as chaplain for the US Colored Troops during the war, worked as a Freedmen's Bureau agent before his election to the Georgia state legislature. Many black political leaders were ex-slaves, however. Along with Hiram Revels, the Natchez area produced the remarkable John R. Lynch, a former slave who in his very early 20s became a formidable political figure, first in town politics, then as Speaker of the state House of Representatives, then as US congressman. Perhaps no one captured the dynamic transformation of African American politics more clearly than Robert Smalls. A slave pilot during the war, Smalls became famous for smuggling the boat *Planter* from Charleston Harbor to the US Navy, with his family and friends. After the war, Smalls used his bounty to purchase the Beaufort, South Carolina, home where he had lived as a slave. Smalls quickly became a force in South Carolina politics, serving in the state constitutional convention initiated by military reconstruction, for five terms in the US Congress, and also in the influential appointed position of Collector of Customs.[107]

Famous figures such as these only begin to capture the political transformation that accompanied black men's enfranchisement in the South. Beneath them were hundreds of magistrates and sheriffs and judges, people who remade local politics by being accessible to previously excluded

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[105]Foner, *Reconstruction*, 251-60; Garrett Epps, *Democracy Reborn: The Fourteenth Amendment and the Fight for Civil Rights in Post-Civil War America* (New York: H. Holt, 2006).

[106]Foner, *Reconstruction*, 261-70; Hahn, *Nation Under Our Feet,* 163-215.

[107]Hahn, *Nation Under Our Feet*, 216-64.

African Americans. And they all rested upon extraordinary and generally cohesive political organizations that mobilized enormous turnout of African Americans to the polls to vote for officials who would help protect their interests. Black men held office in many different places across the South, but their numbers tended to be most concentrated in black-majority areas where large-scale plantation agriculture was dominant. Although the rise in black office-holding was momentous, almost nowhere did African Americans hold office in proportion to their number in the population. Nonetheless, as a result of widespread white sensitivity about any amount of black political power, a myth arose that this period was characterized by unjust "Negro rule" over whites.[108]

Although only men could vote, African Americans' political mobilization depended in important ways on the actions of black women. African American women participated vocally and publicly at mass meetings, in church governance, and at election precincts. Among the most famous moments of participation were in conventions in Richmond, Virginia, where freedwomen participated in African American meetings and called out to African American delegates in conventions. Claiming that enfranchised black men represented the entire community, they lobbied and cajoled, created community boycotts of black men who voted Democratic, and pressed for broad-based reform. Both northern and southern whites were astounded by the roles that African American women played in the mass meetings that preceded constitutional conventions and at the polls. Although their participation in informal politics did not lead to formal political enfranchisement, it was a crucial part of the creation of a new black politics.[109]

Between 1867 and 1870, the governments established under universal manhood suffrage in the South changed politics dramatically. State governments created the South's first public education systems, modernized legal codes, and expanded tenants' rights. Black men held elected and appointed office in many cities, and municipal governments under Republican rule poured funds into infrastructure, often grading and paving streets for the first time and taking steps to alleviate public health concerns and crowding. In many places, state legislatures and city councils—pressed by black activists—passed laws forbidding racial discrimination in public accommodations. But black suffrage in the South hung on the narrow thread of state constitutions and statutes, and black men still could not vote in states of the North and West.[110]

After the November 1868 elections, Republicans grasped at what many thought was their final chance to change the Constitution. Ulysses S. Grant had prevailed in the 1868 presidential election due in large part to black support from the South. In fact, scholars estimate he lost among white voters nationwide. Meanwhile, Democrats regained seats in Congress. In the lame-duck session that followed the presidential election, almost all Republicans recognized the importance of securing black men's voting rights by amending the Constitution. Believing that the vote would both recognize African American equality and provide a basis for self-protection, they considered

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[108]Foner, *Reconstruction*, 271-90; Hahn, *Nation Under Our Feet*, 265-315.

[109]Elsa Barkley Brown, "To Catch the Vision of Freedom: Reconstructing Southern Black Women's Political History, 1865-1880," in *African American Women and the Vote, 1837-1965*, ed. Ann D. Gordon and Bettye Collier-Thomas (Amherst: University of Massachusetts Press, 1997), 66-99.

[110]Keyssar, *Right to Vote*, 73-75; Rabinowitz, *Race Relations in the Urban South,* 183-87, 259-81.

various plans. Some drafts, like those introduced by Representative Samuel Shellabarger and Senator Henry Wilson, came close to positively granting the right to vote to some men. Others introduced by Representative George Boutwell and Senator William Stewart prohibited voter restrictions based on a long list of categories; as the debate swirled, some tried to prohibit restrictions based not just on race but education, nativity, property, and religious beliefs. At this point, however, Republicans' general support for black suffrage came up against the complexities of politics. Some New England Republicans favored literacy tests because they would help exclude Democratic-leaning Irish immigrants; some western Republicans feared that a broad amendment would enfranchise US-born children of Chinese immigrants. In a wild scramble in the session's final days, the two houses passed different versions of the amendment, and a conference committee produced a narrow compromise. Instead of a positive right to vote, the Fifteenth Amendment prohibited restrictions based only on race, color, or previous condition of servitude. Literacy tests, property qualifications, the exclusion of women, and even religious limitations all remained constitutional. Frustrated, Senators Charles Sumner and George Edmunds, strong supporters of African American suffrage, refused to vote, but on February 26, 1869, Congress passed the Fifteenth Amendment. The Fifteenth Amendment was ratified on February 3, 1870.[111]

THE RESULT OF THE FIFTEENTH AMENDMENT,
And the Rise and Progress of the African Race in America and its final Accomplishment, and Celebration on May 19th A.D.1870.

The Result of the Fifteenth Amendment, and the Rise and Progress of the African Race in America and its Final Accomplishment, ca. 1870. Celebrating the enactment of the Fifteenth Amendment in Baltimore, Maryland. Lithograph by Metcalf & Clark. Courtesy of LOC P&P.

[111]Keyssar, *Right to Vote*, 74-83.

Despite its limitations, the Fifteenth Amendment was a milestone in the nation's history. For the first eighty years of the Constitution's existence, states had virtually limitless authority to determine which of their residents could vote and which could not. The Constitution offered no guidelines in the matter until the Fifteenth Amendment, which stated unequivocally that it was illegal to prevent people from voting based on their race. The amendment was not a permanent solution to the challenges of protecting voters from disenfranchisement, and it did not protect many beleaguered classes of people. Yet its protections for freedpeople and its assertion of federal oversight of some aspects of enfranchisement were significant and would prove lasting.[112]

The open-ended qualities of the Reconstruction period and the conviction among many Americans that they were establishing their democracy on a new footing gave hope to women's rights activists. From the time Congress began discussing the Fourteenth Amendment, women's suffrage activists—many of whom had been important figures in abolitionist organizations—petitioned Congress to enact *universal* suffrage that would include women as well as men. Activists like Elizabeth Cady Stanton and Susan B. Anthony—and tens of thousands of women who are less-remembered—flooded congressmen with petitions. Many demanded that Congress establish voting rights for women in Washington, DC, where it had legislative authority. If congressmen now considered voting an individual right, they asked, why were women to be excluded? Some turned to racially patronizing arguments, asking why unschooled freedmen would be allowed to vote while well-educated white women like themselves remained excluded. Some Republican politicians like Charles Sumner and antislavery activists like Wendell Phillips and Frederick Douglass, who had previously expressed sympathy for women's suffrage, insisted that adding women's suffrage would doom their efforts to make policy for the South. Many Republicans and Democrats opposed women's suffrage on the grounds that women's political views were already represented by their husbands or fathers and that voting rights for women would tear families apart. As women's suffrage activists struggled to navigate the complex political scene and found themselves cast aside by anti-slavery organizations, some made common cause with conservative opponents of black men's suffrage, both in Congress and in an 1867 referendum in Kansas that asked voters to weigh in separately on suffrage for women and for African Americans. When both referenda failed, the women's rights movement fragmented. Although women would gain the vote in Wyoming and a few other western states that sought to attract white female emigrants, the national movement experienced Reconstruction as a period of bitter defeat. With a series of losses in 1870s Supreme Court cases, women's exclusion from formal politics seemed at least as deeply entrenched as it had been a generation earlier.[113]

Black men's enfranchisement also came under increasing attack between the 1870s and the turn of the century. In a sweeping campaign of violence and terror, paramilitary clubs, most famously the Ku Klux Klan, sought to intimidate African Americans from voting and to destroy black political organizations. By carrying out high-profile assassinations, terrorist organizations attempted to

[112]Ibid., 82-83.

[113]Ellen Carol DuBois, *Feminism and Suffrage: The Emergence of an Independent Women's Movement in America, 1848-1869* (Ithaca: Cornell University Press, 1978), 53-202; Faye E. Dudden, *Fighting Chance: The Struggle over Woman Suffrage and Black Suffrage in Reconstruction America* (New York: Oxford University Press, 2011).

Visit of the Ku-Klux, 1872. Print by Frank Bellow. *Harper's Weekly* 16, no. 791 (February 24, 1872): 160. Courtesy of LOC P&P.

nullify black men's right to vote. These included the killing of US Congressman James Hinds, constitutional convention delegates like Benjamin F. Randolph of South Carolina, legislators such as state senator John Stephens, town officials like Wyatt Outlaw of Graham, North Carolina, and many other assaults on ordinary African American women and men and their white allies.[114]

Against this campaign of terror, freedpeople organized into their own paramilitary bands and fought to defend themselves. Although they were successful in areas where they were a substantial majority, they needed outside assistance against better-funded armed white paramilitary groups elsewhere. Their unanswered requests for help from Congress exposed the limitations of the Constitution as an instrument of change. Without active support on the ground—in the form of federal officials with sufficient authority and manpower to enforce the Fifteenth Amendment—black men's supposed right to vote was often very difficult to exercise.[115]

Against these assaults, and pressed by African Americans and their allies, Congress passed a series of enforcement acts meant to empower the federal government to defend voting rights.

[114]Foner, *Reconstruction*, 425-59.

[115]Hahn, *Nation Under Our Feet*, 265-316.

Most famously in the Ku Klux Klan Act of 1871, Congress authorized the president to declare counties in a state of insurrection, suspend the privilege of the writ of *habeas corpus*, and use the military to arrest and hold vigilantes and terrorists for trial in federal court. With these tools the US government arrested hundreds of Klansmen in South Carolina and defeated the Klan there. But those efforts soon ground to a halt. Vigilantes changed their strategies and shed their disguises. The Supreme Court limited the federal government's ability to prosecute individuals for undermining the voting rights of others. Finally in the late 1870s, after bitter fights with Congressional Republicans and President Rutherford B. Hayes, Democrats in Congress passed what became known as the Posse Comitatus Act, which attempted to limit the army's ability to intervene to protect voters. For one moment in 1890-1891, it seemed that a Republican-dominated Congress would pass new voting rights enforcement legislation, but their efforts to pass an election bill, the Lodge "Force" Bill, died amidst internal divisions.[116]

On the ground, a new wave of antidemocratic efforts spread across the South. Beginning in Mississippi in 1890, southern states launched plans to legally disenfranchise African Americans. They passed a broad array of laws meant to limit black voting, including literacy tests, complex registration requirements, and poll taxes, and they expanded the number of felonies that carried disenfranchisement as a penalty. Such measures were purposely worded in race-neutral language that avoided the Fifteenth Amendment's prohibition on race-based disenfranchisement. In creating such measures, southern states drew upon tools crafted to diminish immigrant voting in northeastern states. Yet Southerners acted in much more sweeping and effective fashion and would drive away far more voters.

In *Williams v. Mississippi* (1898), Mississippi's disenfranchisement laws reached the US Supreme Court. The case emerged from the indictment of African American Frank Williams by an all-white grand jury selected from the remaining eligible voters after the disenfranchisement law went into effect. Williams sued on the grounds that his Fourteenth (not Fifteenth) Amendment rights had been violated. But the Supreme Court ruled that Mississippi's policies were constitutional because the law itself did not explicitly discriminate based upon race. With this go-ahead, other states quickly followed suit, copying the Mississippi model and at times expanding upon it through the use of the grandfather clause and multiple ballot boxes. The clear purpose of such measures was to drastically reduce the voting population of each state; African Americans were the major target, but many reformers who advocated such changes were content to allow numerous poor white Southerners to be disenfranchised as well.[117]

These antidemocratic measures succeeded, and across the South black voting dropped precipitously. In Louisiana, for example, more than 130,000 black men voted in 1896, but just 1,342 did so in 1904. The final black congressman of the Reconstruction era, George White of North Carolina, left Washington, DC, in 1901 after whites staged a coup in Wilmington, North Carolina, (described in more detail in the Violence/Civil Unrest section) murdering black citizens and forcing out the biracial government. Declaring "I cannot live in North Carolina

[116]Foner, *Reconstruction*, 444-59.

[117]Keyssar, *Right to Vote*, 84-92; J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of a One-Party South, 1880-1910* (New Haven: Yale University Press, 1974).

and be treated as a man," White headed north to Philadelphia. As black men lost the right to vote, almost all local black officials lost their positions. The local organizations constructed by painstaking work, which had delivered access to local government for millions of African Americans, were now cut adrift from direct politics. Although African Americans continued to organize to press their views upon government, many despaired of life in the South and looked to Kansas or Liberia or the North as a land of freedom. Without the need to answer to black voters, southern politics turned sharply repressive, disregarding the needs of tenants and falling under the sway of large landowners and textile manufacturers. Another person who confronted this changed world was John Roy Lynch. Enslaved as a child in the Natchez area, Lynch worked with the US Army during the Civil War then quickly rose up the political ladder, serving as the first African American speaker of the Mississippi House of Representatives before going to Congress for three terms in the 1870s and 1880s. After the turn toward disenfranchisement, Lynch spent much of his remaining life exploring the reasons for this transformation in a series of books culminating in the *Facts of Reconstruction*. Like White and many others, Lynch left the South after disenfranchisement, eventually settling in Chicago. Robert Smalls, who had served on the constitutional convention that enfranchised African Americans, was a lonely voice against disenfranchisement in South Carolina's 1895 constitutional convention. Although Smalls remained, the vibrant black political world around his native Beaufort shrank.[118]

This antidemocratic turn did not only affect African Americans. Many white Southerners also stopped voting, either because of the complexity of the registration system, illiteracy, the lack of funds to pay the poll tax, or the general sense of alienation from politics. By the 1904 presidential election only 29 percent of adult males of any race voted in the South. And the new Jim Crow governments in the South paid lip service to the needs of poor whites but starved them of access to good schools or economic development. Soon, a mass migration of white Southerners also headed north and west. The region they left behind was in many ways starved of labor and talent and industry, as many of the most ambitious white and black Southerners fled a region that was in many places characterized more by personal fiefdoms than by democratic self-government.[119]

Although the story was most pronounced in the South, this was part of a broader national and even international story. Northeastern politicians continued to try to prevent European immigrants from voting in large numbers; Western politicians worked to block Asian voting; southwestern politicians worked to keep Latinos from the polls. At the end of the nineteenth century, many members of the economic and cultural elite expressed doubts about the feasibility of democracy, in part due to the challenges of building multicultural and multiracial societies, but also because industrialization seemed to be creating a permanent working class. By restricting the voting rights of working-class people, elites in many regions and nations in this era hoped to protect their own established power against challenges by impoverished masses. Across the United States, rates of voter participation dropped by more than one-third between 1900 and 1920.[120]

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[118]Gilmore, *Gender and Jim Crow,* 131; Hahn, *Nation Under Our Feet*, 412-64; Painter, *Exodusters*, 71-117; Justin Behrend, "Facts and Memories: John R. Lynch and the Revising of Reconstruction History in the Era of Jim Crow," *Journal of African American History* 97, no. 4 (Fall 2012): 427-48.

[119]James N. Gregory, *The Southern Diaspora: How the Great Migrations of Black and White Southerners Transformed America* (Chapel Hill: University of North Carolina Press, 2005), 11-42.

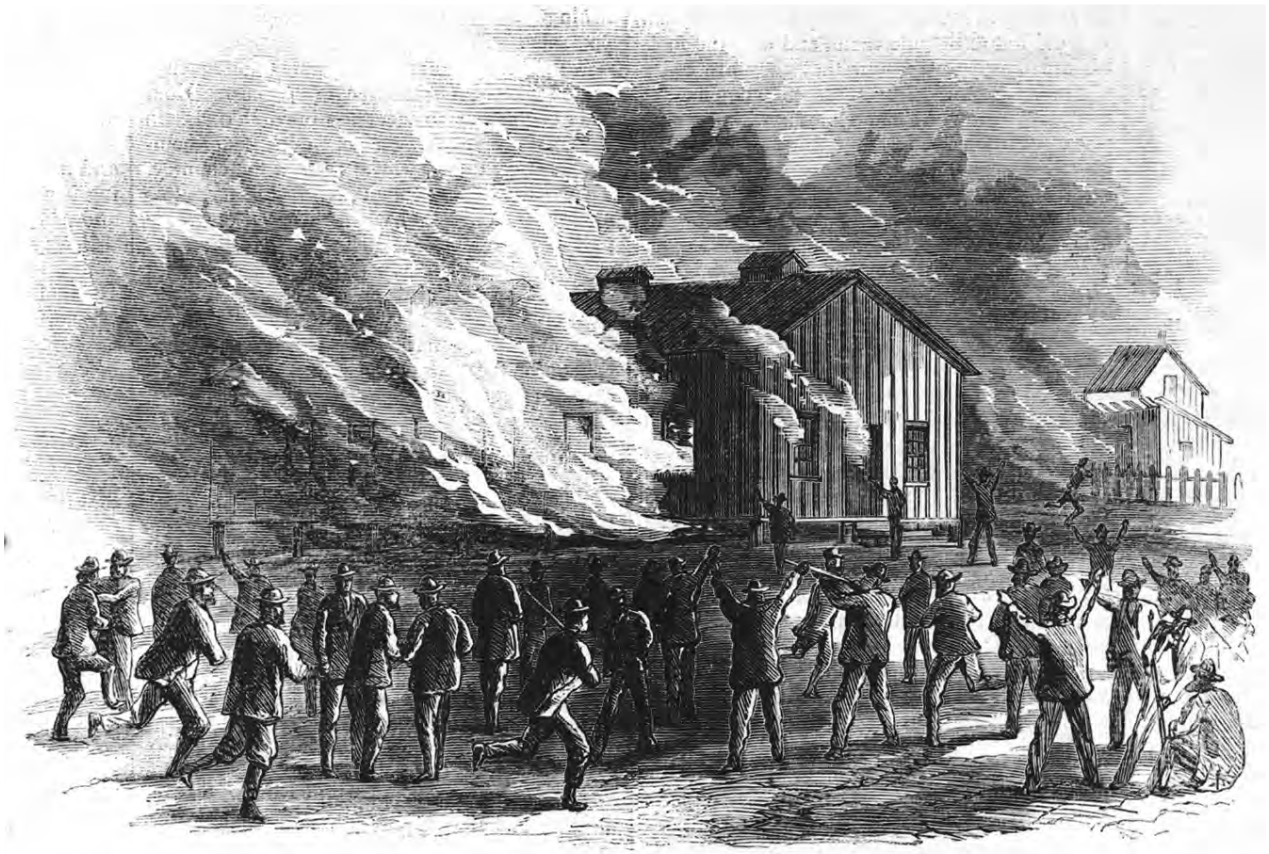
[120]Keyssar, *Right to Vote*, 93-138.

Early in the nineteenth century, the United States had been a world leader in enfranchising propertyless white men. After the Civil War, the United States distinguished itself among slave societies for enfranchising ex-slave men, without property qualifications, almost immediately after ending slavery. By the early twentieth century, however, the nation stood out in bleaker ways. Instead of a leader in democracy, the United States had become a laggard, with lower voter turnouts than many comparable countries and more restrictive access to the polls. The United States was also remarkable for its volatility—for having extended the right to vote to a vast new group of people, the freedmen of the South, and then largely taken it away. The dramatic restriction of voting rights in the South had a sweeping impact upon the region's economic, social, and political development as well as upon the affected individuals.

Despite their rollback, however, the democratic gains of Reconstruction still appear meaningful. First, in pressing for the vote, African Americans built important, locally based organizations that in turn helped to create a powerful sense of racial solidarity among people who might otherwise have held distinct interests based on class or region. The early alliance developed in Louisiana between free people of color and rural slaves, for example, turned out to be long-lasting and crucial in developing post-emancipation African American society and culture. Second, the struggle for the vote also led African American organizations to forge often-successful alliances with other groups, especially northern antislavery Republicans; this too would be crucial in shaping the country's future. Third, the vote was not merely symbolic. From the 1870s to the 1890s, black political power paved the way for real gains, creating access to jobs that assisted in lifting people into the middle class, creating laws that protected tenants and encouraged black educational institutions, and expanding a common political project of struggle against poverty and racism. Finally, the forms of democracy established in the South during Reconstruction were buried only temporarily. When civil rights organizations began to press for the vote in the twentieth century, they drew upon both the language and the history of the earlier struggles. And when Congress acted, it looked to the laws and amendments passed in Reconstruction to build a foundation for a voting rights act in 1965 that in many ways marked the high-water mark of the civil rights movement and the culmination of that part of the political project of Reconstruction. As he left Congress in 1901, after congressmen refused to support an anti-lynching bill, George White told his colleagues that this was "perhaps the Negroes' temporary farewell to the American Congress. But let me say, phoenix-like, he will rise someday and come again."[121]

[121]Foner, *Reconstruction,* 602-12; George H. White, *Defense of the Negro Race—Charges Answered. Speech of Hon. George H. White, of North Carolina, in the House of Representatives, January 29, 1901* (Washington, DC: Government Printing Office, 1901), 14, http://docsouth.unc.edu/nc/whitegh/whitegh.html.

PART FOUR: CIVIL UNREST/VIOLENCE



SCENES IN MEMPHIS, TENNESSEE, DURING THE RIOT—BURNING A FREEDMEN'S SCHOOL-HOUSE.

[SKETCHED BY A. R. W.]

Scenes in Memphis, Tennessee, during the Riot, 1866. A Freedman's school house is burned. Illustration by Alfred R. Waud. *Harper's Weekly* (May 26, 1866): 321. Courtesy of LOC P&P.

Emancipation, Civil War, and Reconstruction were years of extraordinary violence in the United States, and particularly in the South. The antebellum slaveholding South had hardly been a peaceful place. Political power was contested in elections in which almost all white men were eligible to vote, but beneath a relatively orderly political process lay an institution characterized by violence of vast proportions. That institution was slavery. It was only when a force more powerful than slave owners arrived on the scene—the force of the US government, thrust forward by its formidable army and navy—that slavery could be destroyed. In the aftermath of the war, the US government withdrew its military and attempted to establish new civilian regimes in which the basic rights of freedpeople would be protected. White Southerners, their institutions in shambles, had little intention of acquiescing. Accustomed to exercising coercive power over black people, many white Southerners resorted to violence with little hesitation. Their refusal to abide by the law of the land had profound consequences for the course of American history.

Even during the Civil War itself, civil unrest characterized life in the slaveholding states. In many places in the Confederacy, organized groups of white men known as "regulators" sought to force communities into line, quelling dissent, cracking down on Unionists, and above all trying to ensure that enslaved people neither escaped nor offered their services to the United States. Indeed, the latent civil war that had long simmered in the slaveholding states—a war of slaves against the masters who held them captive by force—bubbled to the surface during wartime. Emboldened by wartime developments and, in some cases, by the presence of US forces, enslaved people not only ran away in ever-greater numbers but also demanded to be paid in wages, sought to negotiate their working conditions, and claimed other new prerogatives. Owners often lashed out against such assertions, imposing whippings and other punishments in what would ultimately prove a losing fight to keep slavery alive.[122]

The Confederate government itself set a precedent for lawlessness, particularly when it came to African Americans. When the US forces began enlisting African American soldiers—including Southerners newly freed from slavery—white Southerners reacted with outrage. The Confederate government announced that it would not treat captured African American soldiers as prisoners according to international laws of war. Rather, it would treat them as insurrectionary slaves, reserving the right to sell them, return them to their owners, or even execute them for the crime of running away and making war against their owners. White US commanding officers were subject to execution for the crime of inciting slaves to insurrection.[123]

On the home front, the departure of many men for Confederate service created both possibilities and dangers. Slaves took new liberties in the absence of normal systems of patrol, traveling across plantations and running to US military lines. But in many areas, Confederates struck back with shocking brutality, launching massive crackdowns where they could, at times by diverting Confederate troops to attack slaves. For instance, in March 1865, an ex-slave named Rose led an insurrection against collapsing planter power near Pineville, South Carolina. In response, Confederate scouts executed more than two dozen slaves, including Rose herself. In some parts of the South, particularly in Georgia and North Carolina, divisions among whites over the legitimacy

[122]Stephanie McCurry, *Confederate Reckoning: Power and Politics in the Civil War South* (Cambridge, MA: Harvard University Press, 2010), 233-62, 288-309; Glymph, *Out of the House of Bondage,* 97-116.

[123]Glatthaar, *Forged in Battle,* 201-4.

of the Confederacy led to open feuding and violence, particularly when the Confederate government sought to crack down on white dissenters.[124]

The surrender of the Confederate forces in spring 1865 did little to stem the internal war within the South, as white Southerners continued to fight to reassert the mastery over people of African descent to which they were accustomed. The situation was exacerbated by ambiguity about who was in charge and what the legitimate channels of authority were. In some communities, older leadership—sheriffs, justices of the peace, community leaders—had been killed in the war or were discredited by their participation in the Confederacy. Following the surrenders, President Andrew Johnson appointed provisional state governors and asked them to call new constitutional conventions. In many places, however, local civil authority had broken down. The US Army could quell the incipient chaos in some areas, but its power was limited in scope and duration. This was a context in which vigilantism—unauthorized people taking the law into their own hands—could and did thrive.[125]

Emancipation and African Americans' assertions of freedom and autonomy piqued the anger of white Southerners and provoked concerns about the future of plantation agriculture and, more fundamentally, of the entire southern social order. Correctly sensing that the world they had known was on the brink of destruction, many white Southerners resorted to threats, assaults, and killings in hopes of suppressing and intimidating the emancipated slaves and white Unionists in their midst. White Southerners were prone to attack black people simply for acting free. Former masters reacted violently against people who refused to conform to their demands for labor, including black parents who claimed authority over their children and women who refused to work in the fields as they had in slavery. White people inflicted whippings, beatings, and promises of further violence, knowing that local authorities would not stand in their way. Federal officials who remained on the ground—whether military commanders or Freedmen's Bureau agents—often sought to prosecute perpetrators for crimes against freedpeople. Outside the government's reach and across much of the South, however, it quickly became clear that such crimes would go unpunished.[126]

The state legislatures of presidential Reconstruction (1865-66) revealed their vision that coercion was required to command the labor of the formerly enslaved. States passed stringent vagrancy laws that permitted white officials to arrest black people simply for not having a job; they imposed long jail times for people deemed vagrants or forced them to return to their former

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[124]Thavolia Glymph, "Rose's War and the Gendered Politics of a Slave Insurgency in the Civil War," *Journal of the Civil War Era* 3, no. 4 (December 2013): 501-32; Donald E. Sutherland, *A Savage Conflict: The Decisive Role of Guerillas in the American Civil War* (Chapel Hill: University of North Carolina Press, 2009).

[125]Gregory P. Downs, *After Appomattox: Military Occupation and the Ends of War* (Cambridge, MA: Harvard University Press, 2015), 28-41; George C. Rable, *But There Was No Peace: The Role of Violence in the Politics of Reconstruction* (Athens: University of Georgia Press, 1984), 12-14. For a digital history project that shows the placement of US forces from 1865 to 1868, see Gregory P. Downs and Scott Nesbit, *Mapping Occupation: Force, Freedom, and the Army in Reconstruction*, accessed May 25, 2016, http://mappingoccupation.org.

[126]Rable, *But There Was No Peace,* 3-10, 19-32; Downs, *After Appomattox,* 44-60; Michael A. Ross and Leslie S. Rowland, "Adam Fairclough, John Burgess, and the Nettlesome Legacy of the 'Dunning School,'" *Journal of the Historical Society* 12, no. 3 (September 2012): 255-68.

employers; they required terms of unpaid labor as punishment for crimes; and many permitted whipping of people convicted of crimes. Beyond the violence permitted by law, white Southerners regularly acted outside the law. Employers threatened and assaulted freedpeople who did not wish to work under conditions akin to slavery and drove laborers off their lands without pay. Cities too were extremely volatile in spring and summer of 1866. Cities that had been occupied during the war were relatively desirable places to live for African Americans seeking to escape the coercive labor relations that characterized the countryside. US soldiers often remained on hand, and in many places their numbers included black soldiers. Yet local police forces were often hostile toward black migrants, and Confederate veterans did not hesitate to put their weapons and uniforms back into service. The result was tense standoffs and violent confrontations in cities across the South.

Amid the quotidian violence that whites meted out against blacks, attacks on African Americans in two major southern cities—Memphis and New Orleans—drew particular attention and demonstrated that under President Johnson's Reconstruction policy, African Americans' basic rights went largely unprotected.[127] In Memphis, as elsewhere in the urban South, tensions mounted amid black migration into the city and an armed and resentful white population. On the south side of the city, Fort Pickering had been a US Army depot since the capture of Memphis in June 1862. First a refugee camp for runaway slaves, Fort Pickering soon became a garrison for black soldiers, many of whose families lived in the neighborhood nearby. In early 1866, black soldiers and the Memphis police clashed regularly, particularly in the business district near the fort, where soldiers often went to drink and socialize. The Third US Colored Heavy Artillery regiment mustered out on April 30, and that night some of its members were embroiled in a fight with police. The standoff intensified the next day, as police attempted to assert order and one of their number was killed. On May 2 a crowd of white men, including many members of the police force, descended on the Fort Pickering neighborhood and began to wreak havoc. For three days, the white mob tore through the city, setting fire to churches, schools, and business, and entering African American homes. Members of the mob stole personal property and committed all manner of assaults, including the rape of five black women. The

Massacre at New Orleans, 1867. Cartoon by Thomas Nast. Cartoon blames President Johnson for the race riot in New Orleans. Courtesy of LOC P&P.

[127]Foner, *Reconstruction,* 176-227, 261-64; Rable, *But There Was No Peace,* chs. 3-4. The Black Codes of 1865-1866 are discussed in the "Land and Labor" chapter starting on page 12.

US forces were slow to intervene but finally quelled the violence on May 3. As in so many such incidents, the total death toll cannot be known with certainty. By most counts, two whites and at least forty-six African Americans died, and between seventy and eighty more were wounded. The Freedmen's Bureau and Congress investigated, generating hundreds of pages of witness testimony, including from African American women who spoke publicly and in great detail about sexual assaults they had endured and/or witnessed. Despite the evidence, no one was convicted for the crimes and no restitution was ever made to the victims.[128]

Two months later, New Orleans was the site of another major outbreak of violence, this time explicitly directed at political dissenters. During the Civil War, at President Lincoln's urging, white Unionists in Louisiana had organized a loyal state government in hope of ushering the state back into the Union. They had met in a constitutional convention in 1864, but the state was not readmitted and more conservative men largely took charge of the state's politics. Now, in the summer of 1866, politicians who objected to the state legislature's conservative direction, including Governor J. Madison Wells, decided to reconvene the constitutional convention, hoping to enfranchise African American men as voters and diminish the role of ex-Confederates in state government. Tensions rose as pro-convention forces held a rally, largely attended by African Americans, on July 27, and city officials publicly threatened to arrest participants should the convention meet. The New Orleans sheriff mobilized a posse, and the Democratic press whipped up opposition to the convention by publishing rumors that African Americans and their white allies were planning a violent insurrection. On July 30, about 25 politicians gathered in the Mechanics Institute building for the convention while a large crowd, composed predominantly of African Americans, gathered outside in support. Minor skirmishes between the crowd and the police quickly intensified as ex-Confederates, firemen, armed youths, and other white residents of the city supported the police in attacking the crowd near the corner of Canal and Dryades Streets. The mob then turned its fury on the convention itself, attacking the men gathered inside the mechanics institute. In several instances, people attempting to surrender to the police were summarily shot. The area's US military commander, Absalom Baird, had plans to use troops to protect the convention but arrived too late to help. When all was said and done, the official death count was thirty-eight. Among them, thirty-four were African American and just four were whites—three members of the convention and a fourth who was accidently shot by a policeman. In addition, more than one hundred African Americans were injured, and more than two hundred were arrested. By contrast, as one historian has written, "no white Democrats or police were arrested or punished."[129]

The chaos and murders in Memphis and New Orleans in 1866 disturbed many Northerners, who saw them as evidence that Johnson's southern policy was allowing former Confederates to return to power and that the most basic rights were not being accorded to African Americans. Johnson

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[128]Kevin R. Hardwick, '"Your Old Father Abe Lincoln is Dead and Damned': Black Soldiers and the Memphis Race Riot of 1866," *Journal of Social History* 27, no. 1 (Fall 1993): 109-28. See also Hannah Rosen, *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South* (Chapel Hill: University of North Carolina Press, 2009); and Stephen V. Ash, *A Massacre in Memphis: The Race Riot that Shook the Nation One Year after the Civil War* (New York: Hill and Wang, 2013).

[129]Donald E. Reynolds, "The New Orleans Riot of 1866, Reconsidered," *Louisiana History* 5, no. 1 (Winter 1964): 13.

had known of the rising tensions in New Orleans and had not intervened. The Republican *Chicago Tribune* connected the massacres in Memphis and New Orleans, writing on August 1, 1866, "the rebels of New Orleans have proved worthy of their cousinship to the rebels in Memphis." The participants in the New Orleans mob, it continued, had proved "their devotion to the President's policy by a riot or massacre, inaugurated in order to suppress free speech and to prevent the people of Louisiana from enjoying their Constitutional right to assemble peacefully and petition for the redress of grievances."[130] In that fall's midterm election, northern voters repudiated Johnson's policy by sending Republicans to Congress and defeating proponents of the president's plan. When the new Congress convened in December 1866, Republicans knew they had the voters' mandate to move forward with Reconstruction policies that might well meet rejection from Johnson but could be passed over his veto.

As the massacres in Memphis and New Orleans indicate, many white Southerners' violent responses to emancipation was well underway when Congress passed the Reconstruction Acts of 1867, providing for the reorganization of the former Confederate states (except Tennessee) by the US Army and requiring that African American men be enfranchised as voters. Adding to their existing grievances, then, white Southerners now worried that African Americans, united in the Republican Party with white Northerners and white southern Unionists, would win political power. The stakes were immense, since elected Republicans would attack not only racial discrimination but also oppressive labor relationships.[131] They were right to worry. The phase of Reconstruction inaugurated by the new legislation of 1867 ushered southern black men into electoral politics en masse, completely altering political dynamics in states and local communities. The results of black men's enfranchisement were different in different states, but everywhere that Republicans were able to secure power, they took their states in directions that most former Confederates strongly opposed.

As the US government sought to advance the war's revolutionary potential, many white Southerners did everything in their power to resist, including preventing African American men from exercising their newfound right to vote. Turning to threats and terror to persuade African Americans and white Unionists that political organizing would lead to ever-greater violence, they fully believed they were in the right. Many thought white supremacy was the proper, natural order of things and that the abolition of slavery threatened to upend that order. They insisted that federal Reconstruction policies were illegitimate—and indeed unconstitutional—and that they had no obligation to abide by laws they considered ill-founded.[132]

For the moment, however, they were forced to confront the government's insistence that things must change. The Reconstruction Acts put the US Army temporarily in control of southern elections, and Republican political organizers, black and white, began canvassing the South. The Union League, established in the North during the war, helped this cause by distributing literature and paying speakers to travel to southern plantations, hamlets, and cities, urging black political organization and campaigning for Republican candidates. Once an association primarily of white

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[130]Quoted in Reynolds, "The New Orleans Riot," 14-15.

[131]Hahn, *Nation Under Our Feet,* 163-65; Perman, *Reunion without Compromise,* 278-303.

[132]Hahn, *Nation Under Our Feet,* ch. 6; Rable, *But There Was No Peace,* chs. 3-4.

businessmen, the Union League became an organizing ground for black political and paramilitary power.[133]

The response of southern conservatives to the democracy burgeoning in their midst was swift and intense. Drawing on traditions of slave patrols and other forms of communal regulation, white men formed vigilante organizations, of which the Ku Klux Klan was the most visible and became the most notorious. Using violence, threats, terror, whippings, and arson, organized groups of white men conveyed that black men, women, and children might pay with their lives if they sought to exercise their new rights. They directed their wrath at the black institutions taking shape across the South, often setting fire to independent churches and schools. The Reconstruction Ku Klux Klan evidently originated in middle Tennessee, but it was never a centralized organization. Rather, local vigilante organizations already engaged in violence and terrorism came to be called—and to call themselves—"Ku Klux Klan" as a way of allying themselves with like-minded people in other counties and states.[134]

The white men who participated in Klan-style violence in the late 1860s often followed predictable conventions to restore what they believed was proper order in their communities. They went out at night, under cover of darkness, riding on horseback among settlements and rural cabins. They frequently wore masks and other costumes, in part to disguise their identities and in part to cultivate a sense of anonymity and mystery. Not averse to outright killing, Klan groups also tortured and beat people, tarred and feathered them, and sometimes raped women and sexually humiliated both men and women as they attempted to reinstate a social order that more closely resembled the one that had been destroyed by the war.[135]

Amid threats on their lives and organized efforts to prevent them from voting, freedpeople took steps to defend themselves and their new rights. With notable militancy, particularly in places where they were in the majority, African Americans organized to protect their communities and their right to vote. Many observers witnessed the organization of local black militias that brought together residents of adjoining plantations; informal militias such as these regularly drilled in public, sometimes armed with real weapons and other times with sticks or farm implements. In rural and urban areas, entire black communities often convened on election days and marched together to polling places, their numbers suggesting strength and indomitability. Freedpeople often met white violence with armed resistance. In many places, then, southern politics was defined less by deliberative process than by armed conflict.[136]

In almost every instance, however, freedpeople were outgunned. In the antebellum years, southern politicians had attempted to prohibit gun ownership by slaves and free blacks. Whites, by contrast, had long enjoyed access to their own guns and to training in riflery, but now they also had access to arms that Confederate veterans had brought home from the war. The 1868 presidential canvass was the freest and most democratic in the South's history, and yet the

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[133]Foner, *Reconstruction,* 276-89.

[134]Hahn, *Nation Under Our Feet,* ch. 6.

[135]Allen W. Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (New York: Harper and Row, 1971); Rosen, *Terror in the Heart of Freedom*, 179-221.

[136]Hahn, *Nation Under Our Feet,* ch. 6; Foner, *Reconstruction,* 342-45.

campaign also featured political violence on an unprecedented scale. Democratic victories in Georgia and Louisiana were widely perceived to be the result of violence and intimidation directed at Republican voters. In Louisiana, only ten black men in all of New Orleans voted, and seven parishes with large black populations recorded no Republican votes at all.[137] Despite political violence and intimidation, Republican Ulysses S. Grant was elected and was sworn in on March 4, 1869, as the eighteenth president of the United States.

Historians have discovered geographic patterns of white-led violence, which was notably more prevalent in some counties and regions than in others. In some areas, white people of the more respectable sort stood aloof from the action, not taking direct part but not trying to stop it either. Elsewhere it was clear that prominent white community members organized and participated in Klan-type groups, mobilizing existing networks of patronage and kin. Violence was most common in counties and regions where the white population had a clear majority or where the black and white populations were split almost evenly. Where the black population was very small, particularly in hilly regions of the upper and middle South, white vigilantes sometimes sought to banish the black population entirely. In most places, however, expulsion was entirely impractical, since white landowners depended on African Americans to work their farms. Thus at times large planters stood up to vigilantes, demanding that they desist lest the labor force pick up and leave. Black-majority areas, particularly on the Georgia and Carolina coasts and along the Mississippi River, were less plagued by violence in these early years. There, demographics demanded that whites accommodate the advent of black political power, at least for the time being.[138]

White Southerners' violent reactions to emancipation and Reconstruction were widely reported in the North. In passing new constitutional amendments and legislation, Republicans in Congress had attempted to establish a more democratic order in the former Confederacy. Few had believed it would be smooth or easy, but by 1870 it was clear that additional legislation and enforcement provisions were necessary if black people were to enjoy basic civil rights and, in particular, to exercise their right to vote. It had become obvious to Congress that local officials in most places could not be relied upon to arrest, try, and convict those who stopped black men from voting or who intimidated black communities. The Republican majority in Congress, supported by President Grant, thus wrote new laws founded in the Fourteenth and Fifteenth Amendments' promises of voting rights and equal protection of the laws. The new laws, passed in 1870 and 1871 and often called "Enforcement Acts," gave federal courts jurisdiction in cases in which people were charged with conspiracy to deprive people of their civil and political rights. The laws went out of their way to outlaw the masks and disguises characteristic of the Klan, and they authorized the president to suspend the privilege of the writ of *habeas corpus* in places he deemed in insurrection against the US government.[139]

President Grant proceeded to suspend *habeas corpus* in nine South Carolina counties, and the Justice Department, newly created by Congress, investigated rights violations in several states. The prosecutions of 1871 and 1872 were a turning point. Despite their obvious shortcomings,

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[137]Hahn, *Nation Under Our Feet,* ch. 6; Rable, *But There Was No Peace,* 71-100; *Army & Navy Journal* (December 5, 1868): 243.

[138]Foner, *Reconstruction,* 425-44.

[139]Ibid., 454-59.

the Klan trials successfully suppressed white violence in some areas, not because so many perpetrators were brought to justice but because the trials represented the federal government's willingness to protect the rights of freedpeople and the possibility that people who acted lawlessly would be held to account. But the Klan trials also revealed the limits of federal power. The Justice Department could not put nearly enough lawyers and marshals on the ground, local white populations were largely uncooperative, and cases inched slowly through the understaffed federal courts. In South Carolina, where the most prosecutions occurred, more than 1,200 cases were still pending at the end of 1872, when the government largely gave up its legal campaign against the Klan.[140] In other states the Justice Department lacked the personnel to do nearly as much. It was clear that enforcement stretched federal resources to the breaking point. White Southerners angling for greater control could begin to take comfort, for they knew that the federal government had virtually exhausted its options for enforcing the new rights it had promised African Americans.

In some places violence subsided as a new order emerged with whites decisively in control of public power and blacks in subordinate roles, if not entirely excluded from politics. Indeed, by the early 1870s Democrats had already come to power in states where demographics were on their side and where electoral fraud and violence had succeeded in depressing the Republican vote. Where African Americans retained significant political power, however, white Southerners began to gird themselves for new kinds of battle, and black Southerners prepared to respond in kind. The first half of the 1870s was characterized by some of the most flagrant episodes of racist violence in American history. White men's organizations calling themselves, for example, red shirts, rifle clubs, and the White League, served more explicitly than ever as paramilitary arms of the Democratic party. Strategically targeting individuals and communities in advance of elections, organized white conservatives made clear to blacks—who by this time were in many places accustomed to electing black men to local offices and wielding the balance of political power—that engaging in politics meant risking death. Apparently undeterred by fear of prosecution, the perpetrators did not even attempt to disguise their identities.[141]

The Colfax Massacre of April 13, 1873, was among the notorious incidents of this era. It began amid a struggle over political power in the state of Louisiana. Republicans in evenly-divided Grant Parish, fought to hold onto political power even as Democrats resorted to fraud and violence to push them out and as support from the state government diminished. In a bid to retain their places, Colfax Republicans led by militia commander William Ward, a freedman and former sergeant in the US Army, occupied the courthouse. White conservatives, their firepower at first insufficient to oust the Republicans, called in reinforcements from surrounding areas. An armed standoff involving hundreds of people gave way, on Easter Sunday, to a rout of the Republicans, as the conservatives opened fire with the full force of their superior weaponry, including a cannon once used in the Confederate war effort. The wooden courthouse caught fire, and as the occupants streamed from the burning building, whites shot them down. That night, the white faction killed dozens more whom they held prisoner. It has been impossible to determine exactly how many African Americans died that

[140]Lou Falkner Williams, *The Great South Carolina Ku Klux Klan Trials* (Athens, GA: University of Georgia Press, 2004), 123.

[141]Hahn, *Nation Under Our Feet,* 288-313; Rable, *But There Was No Peace,* 113-62.

day, but most historians estimate that the dead numbered more than one hundred. Fifty years later, however, the white community would memorialize the event with a marker that paid tribute to the three white men who lost their lives, as the marker proudly declared, "fighting for white supremacy."[142]

White Southerners' violent resistance to emancipation and the rise of black political power dramatically shaped the outcome of Reconstruction. It is often said that northern Republicans grew "tired" of enforcing Reconstruction policy. If they were tired, their fatigue was brought on by the constant struggle against white Southerners who refused to acknowledge the legitimacy of federal laws designed to create a more democratic nation. Their lawbreaking and violence put the US government in a difficult position. It must either mobilize force sufficient to vanquish white Southerners' ceaseless rebellion against federal authority and African Americans' basic rights—and this would mean putting soldiers on the ground—or it must find an exit strategy and move on. As President Grant reflected shortly after leaving office, "it seems to me that the wisest thing would have been to have continued for some time the military rule," which, he said, "would have been just to all, to the negro who wanted freedom, the white man who wanted protection, the Northern man who wanted Union." The "trouble about military rule in the South," however, was that "our people did not like it. It was not in accordance with our institutions."[143] Worn down by southern resistance, faced with a dramatic economic downturn, and unable to see another way forward, by 1875 the Grant administration had largely stopped trying to intervene to protect freedpeople's rights in the former Confederacy. In the late 1870s, the Democrats, resurgent in national politics, passed laws restricting the power of the army and diminishing its size, measures designed in part to ensure that white Southerners would have the autonomy they desired.[144]

Yet the withdrawal of US forces was far from the end of the civil unrest that came to define the decades after slavery's abolition. Black Southerners remained vulnerable to assaults and killing by whites who would never face arrest or trial. In a crime that came to be known as lynching, some white Southerners continued to take justice into their own hands, acting on rumors and accusations—and without due process—to execute people supposed to have committed crimes. Increasingly, white Southerners claimed that the African Americans they murdered had perpetrated some egregious crime; of the many crimes they were likely to cite, the most inflammatory was rape of a white woman. The complicated history of race and sex in the South helped whites produce a monstrous myth that black men wanted nothing more than sexual access to white women. White communities turned this idea—which was founded on ideas of black men's primitiveness and white women's purity—into a rallying cry as they grabbed black men from their homes or from the custody of jails and summarily executed them as punishment and supposedly to deter future crimes. Some lynchings of the 1880s and 1890s were spectacles, planned days in advance, in

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[142]Hahn, *Nation Under Our Feet,* 292-95; Charles Lane, *The Day Freedom Died: The Colfax Massacre, the Supreme Court, and the Betrayal of Reconstruction* (New York: Henry Holt, 2008); Leanna Keith, *The Colfax Massacre: The Untold Story of Black Power, White Terror, and the Death of Reconstruction* (New York: Oxford University Press, 2008).

[143]John Russell Young, *Around the World with General Grant,* vol. 2 (New York: American News Company, 1879), 362-63.

[144]Foner, *Reconstruction,* ch. 11.

which entire white communities came to watch, photos were taken, and body parts of the person they had murdered distributed as souvenirs. By most counts, white Southerners lynched some 3,500 people, most of them African American, between 1880 and the 1950s.[145]

Political power was rarely at issue in late nineteenth-century lynchings. Rather, such killings were evidently meant to remind black people—in the most forceful and gruesome ways—where power resided in their society and to send a message that resistance was dangerous and ultimately futile. In a few notable cases in the 1890s, however, political power did hang in the balance as Populist and "Fusion" movements managed to create interracial political coalitions and challenge Democratic authority. Democrats and their allies resorted to force to defeat such movements, most spectacularly in Wilmington, North Carolina, a bastion of African American political power since the beginning of Reconstruction. Leading Democrats, including state party chair Furnifold Simmons, ex-US Congressman Alfred Waddell, and future governor Charles B. Aycock, had determined to win back control of the city and the state. Together with their allies in the press and mounted vigilantes known as Red Shirts, they whipped up racist sentiments; they threatened blacks who might seek to vote and demanded that poorer whites—who otherwise tended to support the Fusionists—join them. After winning the election, leading Democrats demanded that the city government vacate their offices immediately and that Alex Manly, editor of the *Daily Record,* the state's only African American newspaper, depart the city. Then, without waiting for an answer, a mob of more than 2,000 white men attacked the office of the *Daily Record* and other black-owned businesses and homes. Their rampage resulted in between 15 and 60 African American deaths and largely destroyed the majority-black neighborhood called Brooklyn. More than two thousand African American residents, including Manly, fled the city in the aftermath of the massacre, and Democrats triumphantly assumed control of local affairs.

At the state level, with Fusionists vanquished, the North Carolina legislature proceeded to pass laws requiring segregation in public accommodations and disenfranchising black voters. African Americans' requests for help from the US government were unavailing. President William McKinley, a Republican, could not send troops to defend the city's duly-elected government unless the state governor requested it—and the governor did not. The US Justice Department investigated the massacre, but no indictments were made. The Wilmington Massacre and the defeat of the North Carolina Fusionists signaled the consolidation of white supremacy across the former Confederacy. Biracial coalitions—outgunned and weakened by racist propaganda—could no longer present an effective challenge to the Democrats, even in North Carolina where politics had long been influenced by dissenting white yeomen and Unionists. The Wilmington Massacre, then, is a reminder that the "solid Democratic South" of the twentieth century was built on a foundation of violence and coercion.[146]

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[145]Hahn, *Nation Under Our Feet,* 426-31; Litwack, *Trouble in Mind,* ch. 6; Crystal N. Feimster, *Southern Horrors: Women and the Politics of Rape and Lynching* (Cambridge, MA: Harvard University Press, 2010).

[146]Gilmore, *Gender and Jim Crow,* 91-118; Timothy B. Tyson and David S. Cecelski, eds., *Democracy Betrayed: The Wilmington Race Riot of 1898 and Its Legacy* (Chapel Hill: University of North Carolina Press, 1998); Eric Anderson, *Race and Politics in North Carolina, 1872-1901: The Black Second* (Baton Rouge: Louisiana State University Press, 1981).

African Americans did not acquiesce to such developments, though there was little most could do, in the short term, besides try to survive. The few black congressmen who remained in Washington into the 1890s, including George White of North Carolina, attempted to warn the nation about the lawlessness that continued to pervade the South. Many black Southerners sought to leave the region, believing that life in the North or West would be safer and offer better opportunities. And black newspapers, primarily in the North, reported on conditions for African Americans in the southern states and urged Congress to take action. It was one such newspaper, the *New York Age,* that provided a venue for a southern activist named Ida B. Wells to publish her first major pamphlet, *Southern Horrors: Lynch Law in All Its Phases* (1892) and additional articles.[147]

Wells, a native of Holly Springs, Mississippi, was born during the Civil War to parents who had been enslaved. Educated in part at Shaw University (now Rust College), a black college founded in 1866, Wells became a teacher and later moved to Memphis, where she began writing for a variety of news outlets. She later became co-owner and editor of a Memphis paper, the Memphis *Free Speech and Headlight,* based in Beale Street Baptist Church. In 1892, after whites lynched three of her friends, Wells bravely began researching and publishing on southern violence. She insisted that, contrary to whites' claims, African American lynching victims had seldom committed serious crimes, least of all the crime of rape. Black Southerners were most likely to be targeted by whites, she argued, when they were upwardly mobile, when they began to prosper economically, and when they appeared to threaten whites' economic security. Her straightforward critique angered many Memphis whites, and in retaliation a mob destroyed the offices of her newspaper while she was away from the city.

Wells' journalism helped galvanize Northerners and international allies who cared about racial justice. African American women, in particular, took up her cause and began raising funds to support further anti-lynching activism. From the 1890s into the early twentieth century, black men and women organized to dispel racist assumptions about black criminality, to denounce white supremacist violence, and to pressure the US government to step in when African Americans could not get justice in their communities. Among the organizations they founded were the National Association of Colored Women, the National Afro-American League, and the NAACP, of which Ida B. Wells was a founding member. Wells' life and work serves as a bridge between the Reconstruction era and the civil rights struggles of the twentieth century.[148]

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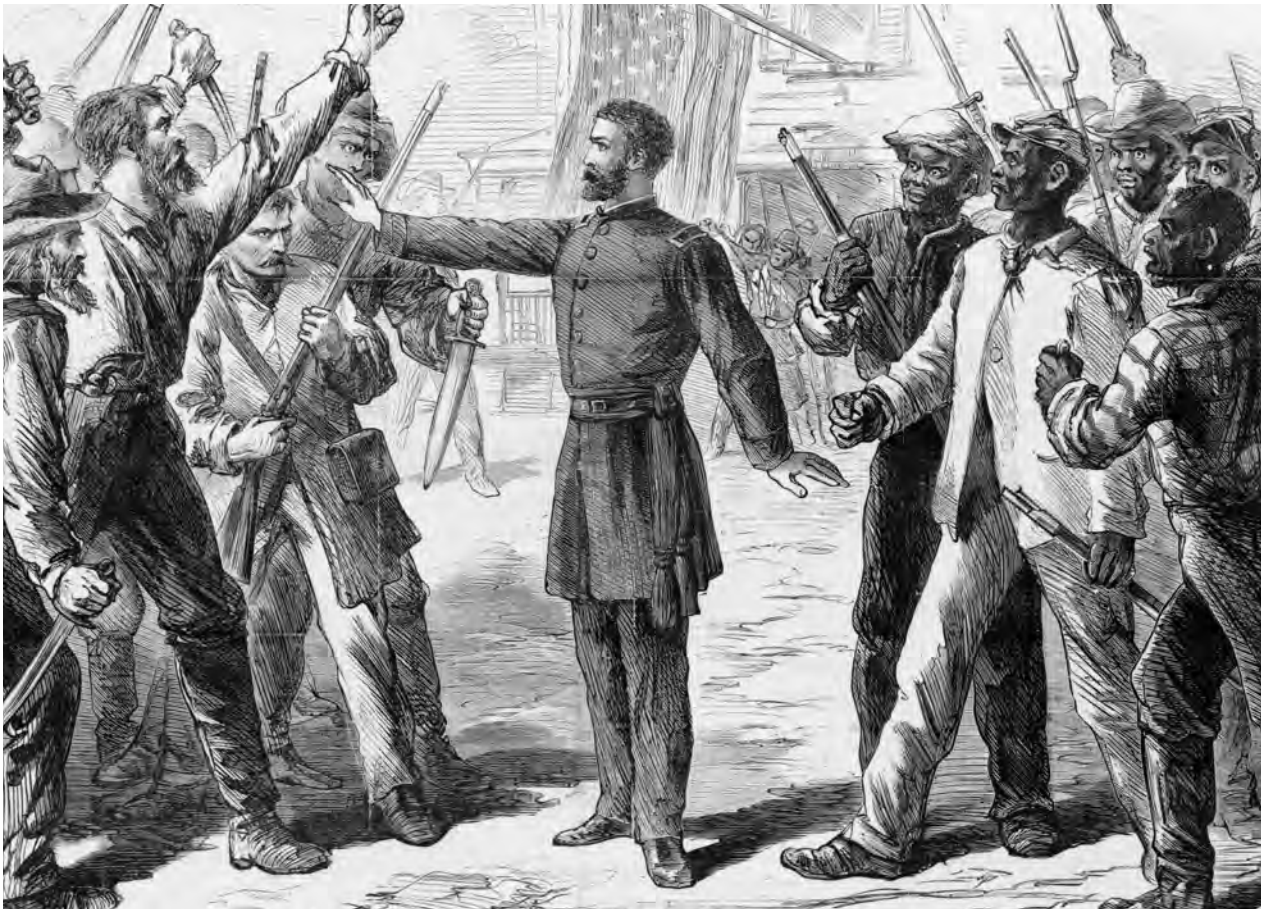
[147]On black migration out of the South beginning in this period, see Hahn, *Nation Under Our Feet,* chs. 7, 9; Painter, *Exodusters.*

[148]Mia Bay, *To Tell the Truth Freely: The Life of Ida B. Wells* (New York: Hill and Wang, 2009); Giddings, *Ida*.

PART FIVE: FEDERAL POWER



The Freedmen's Bureau, 1868. Print by Alfred R. Waud. *Harper's Weekly* (July 25, 1868): 473. Courtesy of LOC P&P.

The role of the federal government, a contentious and complicated question from the nation's founding, changed dramatically during the Reconstruction era, although some of the changes did not survive into the twentieth century. From the adoption of the Constitution through the Civil War, the role of the US government in promoting and protecting slavery had been sharply contested. The Civil War and Reconstruction settled that question. However, even as the federal government decisively outlawed slavery nationwide, new questions arose about the extent to which it would guarantee the rights of individuals across the country, about the precise scope of those rights, and about how they could be enforced. During and immediately after the war, the government turned to the army to enforce emancipation and the basic civil rights of African Americans. How long it would continue to do so against a resistant local population, and the implications of ceasing military intervention, were additional questions whose answers defined the period.[149]

From the nation's founding, Americans had debated how to have a national government strong enough to hold the country together and protect its interests abroad while also allowing considerable local control. The origins of the US Constitution itself lie in the belief among some American politicians that the Articles of Confederation had failed to create a federal government powerful enough to defend itself or to keep state governments from violating property rights. Even though the Constitution empowered the US government to act in matters of taxation and national defense, it implicitly defined other aspects of governance as the domain of state governments and the local governments the states created. Debates over the size and scope of the federal government were folded into political party competition in the nation's first several decades. Federalists and Whigs generally pressed for federal investment in roads and canals, a national bank, and a high tariff on imported goods. By contrast, Jeffersonian Republicans and Jacksonian Democrats tended to resist those calls. Across party lines, most politicians agreed that the US Army should be relatively small. A series of federal laws built upon the Constitution's framework to limit the army's involvement in domestic life to instances where a legislature, or governor if the legislature was out of session, or a federal judge sought assistance.[150]

On the crucial issue of slavery, the role of the national government was contested. All the original states had permitted slavery, and the Constitution contained no ban on the institution. On the other hand, the Constitution offered no ringing endorsement of slavery either. Three significant parts of the Constitution acknowledged the existence and legitimacy of slavery in the United States: a provision that twenty years after ratification, Congress could act to ban the international slave trade; the "3/5 compromise" that provided that for the purpose of apportioning representatives in Congress, direct taxes on states, and the electoral college, slaves would be counted as three-fifths of a person; and the fugitive slave clause, which provided that slaves who crossed state lines as they fled from bondage must be returned to

[149]James M. McPherson, *The War that Forged a Nation: Why the Civil War Still Matters* (New York: Oxford University Press, 2015), 1-14.

[150]Robert W. Coakley, *The Role of Federal Military Force in Domestic Disorders, 1789-1878* (Washington, DC: Center of Military History, 1988), 3-68.

their owners, though it did not specify a mechanism for doing so. As those three areas of the document indicate, the Constitution's framers made no effort to destroy slavery and, indeed, made provisions to protect the property rights and political power of slave owners. Yet the framers avoided putting the words "slave" or "slavery" into the Constitution, an indication of their reluctance to give overt approval to an institution that many considered immoral and a necessary evil. Instead they used euphemisms including, in the fugitive slave clause, "persons held to service." In some respects, the Constitution's ambiguities regarding slavery emerged from the need to reach a compromise that would appeal to most states and also from the seeming weakness of slavery in the late eighteenth century. Many founders, including some slave owners, believed (and hoped) that slavery would eventually ebb or even die out completely.[151]

As the United States expanded its territorial holdings, Americans increasingly debated what role the federal government should play in protecting or limiting slavery. Most believed the framework established by the Constitution allowed states to establish and maintain slavery if they chose, and also to abolish it, as all the northern states eventually did. More controversial, particularly as the decades wore on, was the question of whether the federal government itself, particularly in its policies concerning newly acquired lands, had the power and the obligation to stop slavery's spread. Many framers believed it did, and in 1787 the Confederation Congress passed the Northwest Ordinance, which banned slavery from the Northwest Territories (consisting of present-day Illinois, Michigan, Indiana, Ohio, and Wisconsin). Indeed during the Civil War, the Thirteenth Amendment's language, including its exception for persons convicted of crimes, was culled from the Northwest Ordinance. Many other founders, however, believed that the Constitution was more pro-slavery—that it had created a federal obligation to protect slavery, particularly through its fugitive slave clause. In establishing territories in the then-Southwest, the places that eventually became Tennessee, Alabama, Mississippi, Louisiana, and Arkansas, and in legislating for the District of Columbia, early Congresses protected and extended slavery.[152]

In the decades leading up to the Civil War, as slavery expanded dramatically across the Southwest, the federal government became increasingly enmeshed in protecting the institution. Federal laws protected slaveholders' rights in the Louisiana Purchase and established systems of land expropriation from American Indians and division to white settlers, encouraging the spread of plantation agriculture. The extraordinary explosion of cotton plantations in the Mississippi Delta like the vast Smith Daniell plantations was in many ways a direct reflection of the federal government's commitment to expanding slavery, as was the forced movement of roughly one million slaves from the Eastern Seaboard to the Mississippi Valley in what some scholars call the Second Middle Passage.[153] So, too, was federal power central to the spread of

[151]Don Fehrenbacher, *The Slaveholding Republic: An Account of the United States Government's Relations to Slavery*, completed and ed. Ward M. McAfee (New York: Oxford University Press, 2001), 15-48.

[152]Ibid., 27-43; Adam Rothman, *Slave Country: American Expansion and the Origins of the Deep South* (Cambridge, MA: Harvard University Press, 2007), 1-36.

[153]See Ira Berlin, *Generations of Captivity: A History of African American Slaves* (Cambridge, MA: Harvard University Press, 2004).

cotton plantations to eastern Texas once that state joined the United States. And in the 1830s, the Jackson administration instituted a practice of allowing local postmasters to censor the mails to prevent antislavery publications from reaching the South. As the population moved westward across the North and the South, and new states joined the Union, Americans came to expect that new, free states would have to be paired with new slave states to preserve the balance of power in the US Senate. By then, what northern critics called the Slave Power seemed well entrenched. The United States also pursued a relatively proslavery foreign policy, working to block British efforts to encourage Spain to end slavery in Cuba, isolating the new republic of Haiti, and launching a war with Mexico aimed, many Northerners claimed, at expanding slave territory in the Southwest.[154]

The Mexican War inaugurated a pivotal new debate about the extension of slavery into new territory and the obligations of the US government toward the rights claimed by slave owners. Congress deadlocked as northern congressmen of both parties (Whig and Democrat)—led by Congressman David Wilmot of Pennsylvania—increasingly allied against the expansion of slavery into any territories acquired from Mexico. After failed efforts by Senator Henry Clay, Senator Stephen Douglas finally helped broker a complex compromise in 1850 that ended the slave trade (but not slavery) in federally controlled Washington, DC, and accepted California's entry as a free state. In return, however, Congress also passed the Fugitive Slave Act, which dramatically expanded the power of the federal government to protect slave owners. Worried about the personal liberty laws passed by some northern free states to provide due process protection for African Americans charged with running away, southern politicians drove an extraordinary expansion of federal power. The Fugitive Slave Law granted federal marshals and commissioners the right to seize suspected fugitives and send them south without taking their testimony and without responding to local writs of *habeas corpus*. The US attorney general, Caleb Cushing, argued that the law empowered these marshals and commissioners to call upon the army directly for aid in enforcing its provisions, inserting the military directly into the enforcement of federal law, without a request from a US judge or state legislature. The problems with enforcing this law in northern cities emerged most clearly in the case of Anthony Burns, an enslaved Virginia man who had secretly boarded a ship to Massachusetts in 1854. When his owner headed to Boston to reclaim him, it provoked a political and legal crisis. The personal liberty laws that earlier would have given Massachusetts officials cover to avoid returning Burns had been essentially overridden by the Fugitive Slaw Law; many Massachusetts officers and lawyers believed they had no choice but to aid in his return to the South. When Burns was arrested, large crowds of abolitionists met to plot actions: a mostly white group at Faneuil Hall, a smaller, mostly African American group at Tremont Temple. When the Tremont group decided to mass around the courthouse to force Burns' freedom, a crowd of nearly two thousand people eventually joined them. After a single shot was fired and amid a brief struggle, deputies drove the crowd from the building. Knowing that Boston crowds had forcibly freed a fugitive slave three years earlier, President Franklin Pierce sent two thousand US soldiers and marines to march Burns through a crowd of tens of thousands of outraged Bostonians. Although Boston's African American Twelfth Baptist Church raised

[154]Berlin, *Generations of Captivity*, 159-244; Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge, MA: Harvard University Press, 2013), 18-45.

money to purchase Burns' freedom and Burns returned to Massachusetts in 1855 as a free man and later studied at Oberlin College, the event revealed the expansive power of a proslavery federal government.

Similarly in the *Dred Scott* case, decided in 1857, the US Supreme Court claimed expansive proslavery powers by invalidating the almost forty-year-old Missouri Compromise (which had been repealed in the Kansas-Nebraska Act of 1854). The Court declared that Congress could not exclude slavery from new territories, and it preemptively defined national citizenship as belonging only to whites. This case centered around Dred and Harriet Scott, enslaved Missourians who sued for their freedom on the grounds that they had been moved by their master, a military surgeon, to Illinois, where state law prohibited slavery, and to Wisconsin Territory, where slavery was prohibited by the Missouri Compromise. At the trial, held in the Old Courthouse, now part of the Jefferson National Expansion Memorial in Saint Louis, the Scotts were represented by Roswell Field, whose home is now the Eugene Field House and St. Louis Toy Museum (Field House, NHL, 2007). The Scotts lost their first 1847 case but prevailed in state court in 1850; this decision was overruled by the Missouri Supreme Court in 1852. Then the Scotts filed suit in federal court. When Dred Scott's case reached the Supreme Court in 1857, the justices —led by Chief Justice Roger Taney—ruled that Scott had no standing to sue as he—like all African Americans—was not a citizen of the United States. The Court also overturned the Missouri Compromise and opened the way for the expansion of slavery in all the federal territories. After the decision, family members of the Scotts' former owner—who had supported the suit—purchased their freedom. Dred Scott died nine months later. In this context, some antislavery Republicans turned toward states' rights or even nullification, but mainstream Republicans led by Salmon P. Chase and Abraham Lincoln insisted that the Constitution had established a presumption of freedom at the national level and that proslavery politicians had, over time, taken the nation in a direction that its founders never intended. Their goal was to rescue the federal government from the slaveholders' control.[155]

The Civil War was not fundamentally fought over differing perceptions of federal power versus the power of the states. Indeed, the crisis that led to war pitted proslavery politicians who had increased the power of the US government in their quest to protect and expand slavery, against antislavery Republicans who hoped the federal government would someday be disentangled from slavery. Neither side stood for large government or small government in the abstract; both sides were willing to increase federal power in service to their own political goals.

Nonetheless, the Civil War transformed the role of the federal government in American life. Faced with the challenge of mobilizing the resources and manpower necessary to fight an extraordinarily complex war, the US government expanded its powers dramatically. President Abraham Lincoln became an architect of a broader federal presence, led in part by his long-standing support (as a former member of the Whig Party) for federal investment in infrastructure and transportation, and in part by the exigencies of war. At first the army worked through the state governments to mobilize men, but eventually Congress instituted the first

[155]James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 3-5, 47-77; James Oakes, *Freedom National: The Destruction of Slavery in the United States* (New York: Norton, 2014), 1-48.

federal draft in its effort to recruit and sustain a million-man army. In some places, especially New York City, the army provost marshal offices where enrollment was managed became sites of protest. Most dramatically and horrifically, in July 1863 mobs opposed to conscription and the policy of permitting men to pay for substitutes, attacked the provost marshal office in the early stages of what became a bloody assault upon the federal government, Republicans, and especially African Americans. More than one hundred people were killed, including African Americans hanged from light poles, in the New York City Draft Riot. In general, however, conscription had a much smaller effect elsewhere, as the army relied upon volunteers, some motivated by bounties paid to them for enlisting. Even in New York City, the crisis of conscription passed after the city government paid for substitutes; only two city men were conscripted in the fall of 1863. For African Americans, however, the consequences were more enduring. After the assaults, perhaps two thousand African Americans left the city and others moved uptown, or to locations near police stations.

To pay for the war, the US government for the first time issued paper money ("greenbacks") and instituted income taxes, as well as floating large numbers of bonds and loans. To coordinate logistics, the government assumed control over railroad lines and schedules. Through the Army Quartermaster's Office, the government also became an enormously influential customer for private businesses, ordering vast amounts of supplies and in the process changing the systems of manufacturing and distribution in the country. Beyond their direct war efforts, Republicans also used the large majority they enjoyed as a result of Confederates' abandonment of their congressional seats to pass laws that had long been central to the Whig/Republican economic agenda. These measures granted land to states to help them establish public universities; invested in the development of a transcontinental railroad; and allocated large sections of western land expropriated from American Indians to homesteaders. These acts expanded the federal government's reach in profound and in some cases lasting ways, creating new infrastructure to move settlers west and displace American Indians and also a new model for federal engagement in higher education.[156]

But the US government was not the site of the most profound experimentation in national power. That honor lay with the Confederacy. Although the Confederate constitution invoked the "sovereign and independent character" of the states and blocked the new Confederate government from acting in the "general welfare" to promote industry or build infrastructure, the Confederacy quickly became an experiment in centralization. The Confederate government in fact preceded the United States in imposing federal income taxes and conscripting men as soldiers, and the Confederate government impressed privately owned goods and slaves into service of the national cause.[157]

Over the long run, perhaps the most enduring expansions of federal power occurred in both the United States and the Confederacy and concerned the question of government power in wartime. Both Abraham Lincoln and Jefferson Davis suspended the privilege of the writ of

[156]McPherson, *Battle Cry of Freedom*, 451-53; Heather Cox Richardson, *The Greatest Nation of the Earth: Republican Economic Policies during the Civil War* (Cambridge, MA: Harvard University Press, 1997), 31-138.

[157]McCurry, *Confederate Reckoning*, 1-10; Emory M. Thomas, *The Confederacy as a Revolutionary Experience* (Englewood Cliffs, NJ: Prentice Hall, 1971), 133-38.

habeas corpus, thus preventing judges from assessing the charges against prisoners held under military orders. During the war, the United States also relied upon military commissions and provost courts to arrest and try civilians for preventing conscription or for violating military orders in the Confederate states. The government also suspended newspapers under martial law and displaced state laws in the Confederate states. The prominent US legal theorist Francis Lieber, author of the army's new code of war, argued that such vast extensions of federal authority were appropriate in wartime if they could be justified as a "necessity."[158] Most of the government's claims to extraordinary power during wartime would expire after the end of battlefield fighting, but similar questions would arise again in World War I, World War II, and the War on Terror. During the war, Democrats like Reverdy Johnson criticized the general suspension of *habeas corpus* and the use of military commissions to try civilians, and US Supreme Court Chief Justice Roger Taney ruled in 1861 in *Ex Parte Merryman* (while sitting in a federal circuit court, not the Supreme Court) that Congress possessed the power to suspend *habeas corpus*, not the president. But Lincoln ignored this order, and for the duration of the war presidential war powers—backed by congressional acquiescence—endured.[159]

With the defeat of the Confederacy, Americans considered the size and scope of the federal government in peacetime. During the war, slaves, soldiers, and Republican politicians had all worked in varying ways to destroy slavery. Before 1865, however, the most significant federal antislavery measures—Congress's Confiscation Acts of 1861 and 1862, and Lincoln's Emancipation Proclamation—had been emergency wartime measures that courts might deem to have expired, or might even declare unconstitutional when peace returned. It was clear that if slavery were to be permanently abolished, the Constitution would have to be amended. The previous constitutional compromise, which had allowed states to permit slavery if they chose, was no longer viable as the war wound down. The Lincoln administration had turned decisively toward emancipation as policy during the war, and black soldiers, the vast majority of them enslaved at the war's beginning, had played a crucial role in securing the Confederacy's defeat. When Congressman James Ashley of Ohio introduced a constitutional amendment to ban slavery in December 1863, a series of more and less expansive proposals circulated, pressed by Congressman James Wilson of Iowa, Congressman Thaddeus Stevens of Pennsylvania, Senator John Henderson of Missouri, Senator Charles Sumner of Massachusetts, and Senator Lyman Trumbull of Illinois, among others. Although the amendment passed the Senate in 1864, it did not receive the necessary two-thirds super-majority in the House. The House of Representatives again debated the measure that became the Thirteenth Amendment in late 1864, and with Lincoln's strong support, passed it at the end of January 1865.[160]

The Thirteenth Amendment is noteworthy for definitively ending slavery in the United States and for giving the US government power to enforce abolition. In the amendment, Americans had decided to reconfigure, in one crucial area, the relationship between the federal government

[158]The Lieber Code is the legal foundation for the modern Hague Convention for the protections of cultural property in the event of armed conflict. John Henry Merryman, *Thinking About the Elgin Marbles: Critical Essays on Cultural Property, Art, and Law*, 2nd ed. (New York: Wolters Kluwer, 2009), 392.

[159]John Fabian Witt, *Lincoln's Code: The Laws of War in American History* (New York: Free Press, 2012), 1-10, 139-323.

[160]Michael Vorenberg, *Final Freedom: The Civil War, the Abolition of Slavery, and the Thirteenth Amendment* (New York: Cambridge University Press, 2001), 176-79.

and the states. No longer could states opt to pass laws permitting and regulating human bondage. Whereas the US government (in peacetime) had been powerless to intervene in such matters before the amendment, now it had broad latitude to intervene. The amendment prohibited "slavery" and "involuntary servitude...except as a punishment for crime whereof the party shall have been duly convicted." In some ways, the implications were clear: there could be no more buying and selling of innocent people. But what exactly constituted slavery and involuntary servitude? And did the exception for convicted criminals mean that such people could, in fact, be bought and sold and forced to work for no pay? What about the forms of racial oppression associated with slavery, which had been, from its beginnings, a race-based system? Did the amendment mean that what lawyers and judges later called "badges and incidents of slavery"—that is, race-based discrimination and humiliation—were also now illegal? These were questions the nation would struggle to sort out far into the future.[161]

Even as the nation's legislators passed measures designed to set the country on a new course, they also continued, well after Robert E. Lee's surrender at Appomattox, to invoke the special powers of the government in wartime. Many Republicans argued that it was for Congress to determine when wartime ended, and Republicans in Congress led in the House by Thaddeus Stevens engaged in an extensive struggle with President Andrew Johnson over precisely when and how the war would officially be considered over. For Andrew Johnson, this was a test of both his political loyalties and his beliefs. Johnson became increasingly dependent upon the support of former Confederates, many of whom had personally loathed him for staying loyal to the United States during the war. More broadly, Johnson was an Andrew Jackson Democrat, who believed that the president possessed significant powers but that Congress should be severely constrained, both in its oversight of war powers and in its general legislation. He envisioned a republic in which the federal government generally left commerce and local affairs alone. And this, in turn, along with Johnson's increasingly public racism toward African Americans and denigration of Republicans as traitors, helped build support among ex-Confederates who feared the power of the federal government in the South.

White Southerners' violent attacks on US soldiers stationed in the South, as well as on white Unionists and freedpeople—and especially the Memphis and New Orleans massacres of 1866—only helped the Republicans make the case that wartime continued and the slaveholders' rebellion was not yet suppressed. From 1865 through at least 1868, Congress continued to invoke its wartime powers as it authorized the army to regulate the defeated federal states, ran military commissions, suspended the privilege of the writ of *habeas corpus*, created the Freedmen's Bureau to regulate contracts and court cases, and imposed martial law in particularly rebellious areas of the former Confederacy. Many white Southerners—along with President Johnson and some northern politicians like Senator James R. Doolittle of Wisconsin– argued that the measures often known as "Congressional Reconstruction" or "Radical Reconstruction" constituted an extreme and illegal imposition of federal power. Most Republicans in Congress, however, maintained that those policies were in fact constitutionally conservative—that is, by understanding those measures as wartime necessities, they created the possibility that when peacetime resumed, the nation could go back to a relatively conventional

[161]Vorenberg, *Final Freedom*, 180-210.

balance of power between the federal government and the states, but with slavery gone and the rights of citizenship severed from a connection to race.[162]

Regardless of what legislation could be justified as a wartime exigency, legislators still had to face the question of what would happen when peace resumed. Ratification of the Thirteenth Amendment on December 7, 1865, indicated that the constitutional order had been irrevocably changed. But how could Congress ensure that slavery was in fact abolished, and what additional measures might be necessary to secure the freedom of African Americans in the South? Here, many Republicans looked to the innovations of the proslavery politicians in 1850. Building upon the powers granted to federal marshals and commissioners in the 1850 Fugitive Slave Act and in Cushing's opinion, Republicans now attacked slavery and its vestiges. In the 1866 Civil Rights Act, the nation's first federal civil rights law, Republicans led by Senator Lyman Trumbull of Illinois gave commissioners and marshals the power originally established under the 1850 Fugitive Slave Law to call out the military to protect freedpeople from violations of their new civil rights, which the law defined to include rights to travel, make contracts, and own property, among others. In this bill and in later enforcement acts, Congress envisioned using US commissioners and marshals based at federal courthouses, along with the army, to enforce federal law when local officials refused. In this way, the federal government attempted to establish rights that states, local governments, and private actors were supposed to respect and to create a system for protecting those rights. Hoping to avoid the problem of what James Madison had called toothless "parchment guarantees," Republicans sought to build a national government strong enough to make the rights it promised meaningful.[163]

In two subsequent constitutional amendments, Republicans further empowered the federal government in matters of civil and political rights. In the Fourteenth Amendment, Republicans proclaimed that all persons born or naturalized in the United States were American citizens, explicitly overturning the *Dred Scott* decision holding that African Americans were not and could never be American citizens. The amendment also established the idea that all US citizens possessed national "privileges and immunities" and that all persons within the United States were entitled to "equal protection" under the law and to "due process" of law. In the Fifteenth Amendment Congress prohibited discrimination in voting rights based upon race, color, or previous condition of servitude.[164]

Although the three Reconstruction amendments could not, by themselves, protect freedpeople's new rights, they represent a profound and lasting change to the US Constitution and in the system of federalism. The amendments gave the federal government authority, for the first time, to intervene when states did not permit people to enjoy certain rights. In doing so, the amendments also elevated individual rights to unprecedented levels of significance, allowing Americans the space to imagine that the United States was a place where the dignity and

[162]Michael Les Benedict, *Preserving the Constitution: Essays on Politics and the Constitution in the Reconstruction Era* (New York: Fordham University Press, 2006), 3-22; Downs, *After Appomattox*, 113-36, 161-78.

[163]George A. Rutherglen, *Civil Rights in the Shadow of Slavery: The Constitution, Common Law, and the Civil Rights Act of 1866* (New York: Oxford University Press, 2012), 51-59.

[164]Foner, *Reconstruction*, 251-60, 444-59.

autonomy of all people might be respected. The Fourteenth Amendment now sits at the center of American constitutional law, even as the precise meanings of its crucial phrases—"privileges and immunities," "due process," and "equal protection"—continue to be debated. And although the Fifteenth Amendment promised only a rejection of racial discrimination in voting (and was often violated), its provisions are at the heart of today's discussions of the role of the federal government in securing voting rights. For all the ways they fundamentally changed the Constitution and individual rights, the three Reconstruction amendments are sometimes called the nation's "second founding."[165]

If the new amendments changed the Constitution in momentous ways, however, they did not wholly upend the conventional constitutional balance between the states and the federal government. Although some Republicans did aim to seriously weaken state government power, most believed states should continue to have considerable autonomy over their own affairs. Many, of course, had emerged from Republican strongholds in New England and the upper Midwest where state governments had made themselves allies to runaway slaves or at least enemies of slave owners. And many continued to believe that the unwritten Anglo-American common law was a better safeguard of individual rights than explicit statutes. Indeed, many Republicans saw in the former Confederate states not a constitutional problem but a problem of regional peculiarity created by slavery; they wanted to end that peculiarity without dismantling the entire national constitutional system. In many ways, then, the Reconstruction amendments and enforcement acts set up guardrails around state governments. They pushed state governments to respect the basic individual rights established by the amendments. If state governments protected those rights, their powers would be in no way diminished. If they did not, however, the US government now had authority to intervene. Because the constitutional and statutory changes of Reconstruction measures respected many of the traditional principles of federalism, scholars generally characterize them as a modification but not a revolution in state/federal relations.[166]

The problem of enforcement was dire from the beginning. Neither southern state governments nor individual white Southerners stayed within the boundaries defined by the newly modified Constitution and the new federal laws. When the Ku Klux Klan and other vigilante, paramilitary organizations intimidated and murdered freedpeople and their white allies, as discussed in the section on Civil Unrest/Violence, and when state governments either were helpless or unwilling to protect freedpeople, Republicans in Congress faced the bedeviling problem of how to enforce federal law against a large and unwilling population dispersed across a vast territory. After the Klan seized control of local governments in the Carolinas, Congress responded with the Ku Klux Klan Act of 1871. Congress empowered the president to declare areas in a state of insurrection and thus to revive his war powers to arrest vigilantes and suspend the privilege of the writ of *habeas corpus*. But that power was only temporary, a stopgap until the situation in the Confederate states stabilized. In South Carolina, President Grant declared a state of insurrection in nine counties and dispatched troops from the 7th

[165]William E. Nelson, *The Fourteenth Amendment: From Political Principle to Judicial Doctrine* (Cambridge, MA: Harvard University Press, 1998), 1-12; Jeffrey Rosen and Tom Donnelly, "America's Unfinished Second Founding," *The Atlantic* (October 19, 2015), http://www.theatlantic.com/politics/archive/2015/10/americas-unfinished-second-founding/411079/.

[166]Benedict, *Preserving the Constitution*, 3-22.

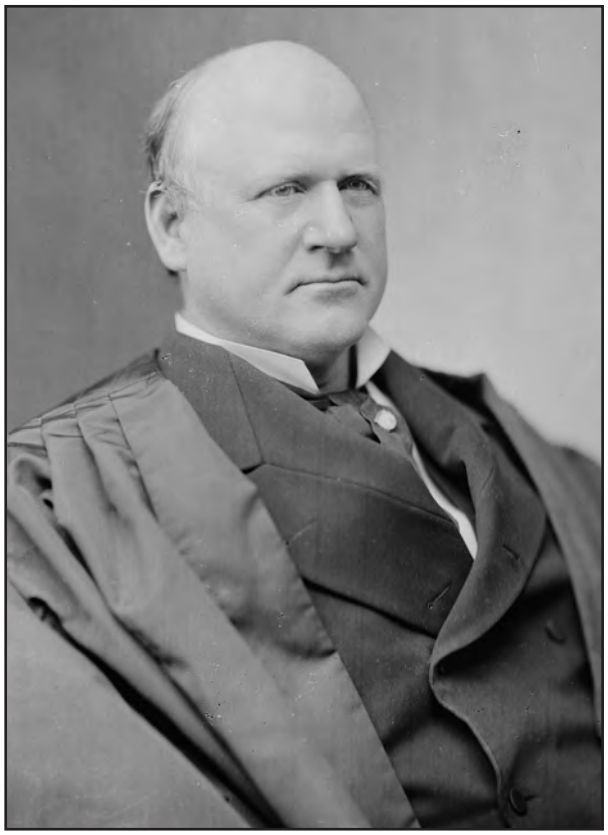
Cavalry to help arrest thousands of alleged Klan members and hold them for trial.

Although this stopped the growth of the Ku Klux Klan, the overall situation in the Confederate states did not stabilize. State Democratic parties turned to other forms of vigilante and paramilitary violence to displace Republican governments and intimidate voters. By 1877, Democrats had captured every state government in the old Confederacy. Then Congressional Democrats led by Speaker of the House Samuel Randall of Pennsylvania, and backed by southern Democrats, worked to disempower the system of enforcement through federal commissioners and the army that, ironically, they and their political forbearers had established in the 1850 Fugitive Slave Act. They also worked to dismantle the army. In a series of debates in Congress, Democrats refused to pay army personnel and forced cutbacks in its size; the Regular Army fell from 57,000 men in 1867 to 27,000 in 1876. Congressional Democrats also aimed to reduce the army's powers. They forced President Rutherford B. Hayes into a series of government shutdowns, in which poison pill riders limiting the army's authority led him to veto multiple budgets and left the federal government without funding. Congressional Democrats led by Congressman William Kimmel of Maryland also passed the Posse Comitatus Act, which eliminated the power of commissioners, marshals, and local officials to call directly for aid from the army. Now such calls could come only from state legislatures and governors. Assessing the precise impact of the Posse Comitatus Act remains a challenge for scholars because of its vague wording, but it has been cited as a reason for delays in federal responses to a range of crises. In many ways, however, the failure of the US government to respond to infringements of civil rights after 1880 reveals political, not legal, limitations of will. By the 1880s, the army had returned roughly to its prewar size, and many other parts of the federal bureaucracy were similarly reduced as the government worked to pay down the war debt. Responding to widespread efforts to prevent black men from voting in the South, Republicans sought in 1890 to establish a system of federal oversight of elections; the bill, misnamed the Lodge "Force" Bill, died in Congress. Soon a series of disenfranchisement laws spread across the South, effectively ending black political power in most southern states by the early years of the twentieth century.[167]

The Supreme Court also worked to restore something closer to the pre-1850 balance of powers. In a series of landmark cases, the Supreme Court eviscerated sections of the Civil Rights Act, the voting rights acts, enforcement acts, and other pieces of Reconstruction legislation, making it extraordinarily difficult for the federal government to prosecute offenders in the South. After the acquiescence of the Supreme Court to southern disenfranchisement in *Williams v. Mississippi*, the other major case was *Plessy v. Ferguson* in 1896. This case emerged after Homer Plessy, a social reformer and descendant of the New Orleans free community of color, in June 1892 challenged the recently passed Louisiana segregation law by sitting in a train car designated solely for whites. Plessy's complexion was so light that he could pass for white. Aiming to be arrested so he could challenge the law in court, Plessy identified himself as a

[167]James E. Sefton, *The United States Army and Reconstruction, 1865-1877* (Baton Rouge: Louisiana State University Press, 1967), 32-33, 221-28, 247-51; Richard M. Valelly, *The Two Reconstructions: The Struggle for Black Enfranchisement* (Chicago: University of Chicago Press, 2004), 66-68, 106-7; Xi Wang, *The Trial of Democracy: Black Suffrage and Northern Republicans, 1860-1910* (Athens: University of Georgia Press, 1996), 49-133, 294-99; Williams, *Great South Carolina Ku Klux Klan Trials*, 44-47, 85-88.

person of color and was taken into custody near the intersection of Press and Royal Streets in New Orleans. Backed by a New Orleans Committee of Citizens, Plessy's case moved all the way to the US Supreme Court. Represented by former Reconstruction political leaders Albion Tourgée and Samuel Phillips, among others, Plessy's team argued that segregation violated the Thirteenth and Fourteenth Amendments. The Supreme Court majority, however, in an opinion written by Justice Henry Billings Brown, rejected those arguments and supported what became known as the "separate but equal" argument, permitting the creation of distinct racial spaces as long as the facilities were theoretically (although never in practice) equivalent. In a celebrated, biting dissent, Justice John Marshall Harlan declared that "our constitution is color-blind." But by the end of the century, the Fourteenth and Fifteenth Amendments had largely been emptied of meaning, at least in reference to African Americans.



Portrait of Justice John Marshall Harlan, ca. 1865-1880. Brady-Handy Collection. Courtesy of LOC P&P.

The Fourteenth Amendment was put to somewhat unexpected purposes in the late nineteenth century, helping corporations and lawyers advance the argument that state governments' attempts to regulate businesses were unconstitutional because they violated the rights of corporate entities, now defined as legal "persons" by the Court. Meanwhile, the Supreme Court also rolled back other Civil War era changes, ruling in *Pollock v. Farmers' Loan & Trust Company* (1895) that federal income taxes were unconstitutional in peacetime and in additional ways attempting to restrain the federal government.[168]

At the same time, the federal government's expanding role in the economy created both corruption and fears of corruption at the national level. During the war, Republicans in Congress passed legislation, long advocated by the Whig Party, to develop the nation's infrastructure and promote settlement of the Trans-Mississippi West. Congress provided grants of land and large loans to private railroad companies, and the first transcontinental railroad was completed in 1869. Revealing a commitment to western settlement, farming, and an educated citizenry, the Republican-led Congress also passed the Homestead Act, which provided a mechanism for settling government lands, and the Morrill Act, which provided federal lands

[168]Charles Fairman, *Reconstruction and Reunion, 1864-1888* (New York: Macmillan, 1974), 1371-78; Lawrence Goldstone, *Inherently Unequal: The Betrayal of Equal Rights by the Supreme Court, 1865-1903* (New York: Bloomsbury, 2011).

to institutions of higher education and became the basis for agricultural and technical schools across the nation. Yet the expansion of the government into new areas of American life—particularly the deepening relationship between Congress and the railroad companies—also created opportunities for corruption. In the Crédit Mobilier scandal, some of the vast funds expended for the Union Pacific Railroad were diverted to exorbitant contractors and to willing congressmen. Scandals surrounding revenue taxes on whiskey and Indian Agency frauds also tarnished President Grant's administration. Growing evidence of malfeasance inspired both literary portrayals of corruption in Mark Twain and Charles Dudley Warner's novel *The Gilded Age* and a political backlash that inspired some moderate reform Republicans to leave the party for a failed Liberal party and others to ally with Democrats.[169]

The general pattern in the late nineteenth century was a reduction of powers the US government had assumed during and immediately after the war, but the federal government's investment in the growth and smooth functioning of the nation's economy did not cease. Another area where the government remained strong was in the growth of federal pensions for disabled veterans and their widows and children. By 1894, pension payments had swelled to roughly one-third of the federal budget. Expansive soldiers' pensions represented a new development in the history of social policy and a recognition of the service and sacrifice that soldiers and their families made for the nation. In many respects, however, pensions were an anomaly amid a government that had shrunk closer to its prewar size, relative to the population. When the federal government claimed expansive powers and swelled in size in the twentieth century, it would largely do so through new bureaucracies and new wartime exigencies.[170]

By the end of Reconstruction in the 1890s, in many ways the federal-state balance had been restored not just to its prewar status but to its pre-1850s organization, and state governments had recouped their powerful claims of sovereignty over many aspects of their internal affairs. The federal government lacked the mechanism or the legal authority to regulate many state actions, and freedpeople and their descendants looked in vain for help from Washington, DC. In other ways, however, the impact of the war continued. Even though the Supreme Court had largely refused to enforce the amendments in a way that protected the rights of African Americans, the amendments remained a source of authority for federal intervention in state matters. In the late-nineteenth and early-twentieth centuries, such intervention was primarily directed against states' efforts to regulate contracts, businesses, and labor relations. However, by the 1940s the Supreme Court increasingly acknowledged that the amendments did incorporate Bill of Rights protections against state governments and gradually created a framework that it would use to declare that segregationist Jim Crow laws violated the US Constitution. By the 1950s, President Dwight D. Eisenhower would invoke Reconstruction enforcement acts, as well as other legislation, to defend the use of the army to enforce federal court decisions to desegregate Little Rock Central High School.[171]

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[169]Mark Wahlgren Summers, *The Ordeal of the Reunion: A New History of Reconstruction* (Chapel Hill: University of North Carolina Press, 2015), 273-97.

[170]Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge, MA: Harvard University Press, 1992), 1-10.

[171]Valelly, *Two Reconstructions*, 11-12; Paul J. Scheips, *The Role of Federal Military Forces in Domestic Disorders, 1945-1992* (Washington, DC: Center of Military History, 2005), 28, 31, 47, 51, 66, 120-21, 134.

From the perspective of the twenty-first century, the Reconstruction era might seem the beginning of the federal government's expansion into the large and powerful entity it is today. Yet many of the expansive aspects of today's federal government are rooted more clearly in twentieth-century developments including two world wars, the New Deal, the Cold War, and the Great Society. By those lights, the expansion of the federal government during Reconstruction was temporary rather than enduring. Nevertheless, it is possible to too quickly overlook the difference the Civil War made in federal governance. Although the size and scope of federal government retreated after Reconstruction, the government did not shrink back to its antebellum size. From a $63 million budget in 1860, the United States' expenditures grew to $1.3 billion in 1865, then dropped steadily down to roughly $250 to $300 million for most of the remainder of the century. Even adjusting for inflation, the government had grown significantly. Moreover, many Americans had come to see the US government in new ways. The government had shown itself capable of winning the war and abolishing slavery; some Americans now regarded it as capable of protecting their individual rights. Provisions in the 1866 Civil Rights Act, the Fourteenth Amendment, and the 1867 Habeas Corpus Act gave the federal courts new authority and opened possibilities for people who did not feel they could get a fair hearing in state courts to transfer their cases to the federal system. For African Americans in particular, the federal government now appeared the only entity capable of protecting their rights against repressive local and state officials. By contrast, for many white Southerners, the expansion of the federal government and its powers—together with its interventions on behalf of black Americans—however modest and limited these were, came to epitomize all that was wrong with Reconstruction. States' rights remained a rallying cry of white southern politics throughout the civil rights movement as a way of critiquing the federal government's role in desegregation. The racial divide in views of the federal government born in the Civil War era would continue to shape southern politics for more than a century.[172]

[172]Gary Gerstle, *Liberty and Coercion: The Paradox of American Government from the Founding to the Present* (Princeton: Princeton University Press, 2015), 5-8; *Historical Statistics of the United States, 1789-1945: A Supplement to the Statistical Abstract of the United States* (Washington, DC: U.S. Department of Commerce, 1949), 299-300.

PART SIX: MODERNIZING/REMAKING THE SOUTH

Extract from the Reconstructed Constitution of the State of Louisiana, with Portraits of the Distinguished Members of the Convention & Assembly, A.D. 1868. Center medallion is a full-length portrait of Oscar J. Dunn, Lieutenant Governor of Louisiana, encircled by twenty-nine portraits of African American delegates to the Louisiana Constitutional Convention. Courtesy of LOC P&P.

The roughly four decades from 1861 to the turn of the twentieth century were years of tremendous volatility in southern life, but beyond the twists and turns of that complex era, it is clear that it was a period of modernization for the region. The slave-based agricultural economy made the pre-Civil War South look in some ways like a premodern society, or, more accurately, like one developing a different form of modernity than the northern states and northern Europe. Like modernists elsewhere, southern planters sought out new technologies, methods of extracting labor, and crops in response to a shifting global market. In other ways, however, the American South appeared to be following a different path than the rest of the highly developed world. The defense of slavery and the patriarchal structures that supported it fostered political and social conservatism, including the repression of free speech and constraints on political debate. With politics oriented toward the interests of plantation-based slave owners, development of cities and factories was slow; the South also fell far behind other regions in education and public institutions. The need to sustain near-unanimity among white Southerners over slavery led many people to leave for more open-minded and dynamic regions.[173]

The defeat of the slaveholders' rebellion meant not just the end of slavery itself, but also the end of an order that had become entrenched and resistant to political and economic changes. The postwar years saw a series of efforts by white and black Southerners—and by politicians allied with both major parties—to facilitate commerce and promote public well-being. Indeed, it is not possible to understand the roots of southern progressivism and the rise of the "New South" without taking stock of the role of Republican-led Reconstruction governments and the movement of Northerners and northern capital in paving the way. Republican state governments often established the programs that later Democratic governments would utilize as they sought to modernize the region. Although their efforts were perpetually hampered by scarce resources, the South's modernizers nonetheless brought lasting changes to the region, particularly in the areas of public education and infrastructure. By the century's end, however, modernization also meant segregation and a newly entrenched racial caste system.[174]

Republican-led state governments during congressional Reconstruction led the South into a new era of modernization. Freedpeople and white Republicans, with support from the US Army, began the process. In most states these governments began to form in 1867-1868, as the army carried out its orders under the Military Reconstruction Acts to enroll African Americans as voters in elections for delegates to state constitutional conventions. African Americans elected hundreds of African American candidates, including many former slaves and soldiers, as well as local white loyalists and northern Republicans.[175]

Participants in the ensuing constitutional conventions remade the governments of the South. Other than Tennessee, every southern state began its constitutional convention process between the fall of 1867 and the spring of 1868. One of the most striking conventions took place in South Carolina where dozens of freedpeople, including Robert Smalls, wrote a new constitution intended to end both slavery and the racial caste system. While southern governments elected

[173]McPherson, *Battle Cry of Freedom*, 6-46.

[174]Foner, *Reconstruction,* 379-411.

[175]Ibid., 281-306.

under President Andrew Johnson's whites-only suffrage policy of 1865 had created hardened castes, with Black Codes that prohibited African Americans from traveling, making new contracts, owning property in town, or testifying against whites, the new state constitutions largely eliminated color lines from the law. They not only enfranchised African American men but also placed southern state constitutions in line with the requirements of the 1866 Civil Rights Act. Constitutions across the South permitted black testimony, office holding, and other basic accouterments of civil rights. Then they ratified the Fourteenth Amendment; the endorsement of southern state conventions and legislatures would be crucial in adding the amendment to the Constitution.[176]

But this represented only one facet of the reconstruction of southern governance. For many Republicans, black and white, meant to transform governance itself. Over the first half of the nineteenth century, southern state legislatures dominated by slaveholders had backed governments that invested relatively little in their populations, at least compared to northern states. While southern states did put limited amounts of money into railroads and other forms of internal improvements, some had only the most skeletal public school systems and others no public schools at all. During the same era, northern state governments had expanded their public works, creating public hospitals, asylums, workhouses, orphanages, and jails. Not all of these reforms appear benevolent in retrospect; some were efforts to exert paternalistic control over the population. But they represented a signal difference between southern and northern state governments, and one that seemed to emerge directly from the effects of slavery—that is, from the political dominance of slave owners unwilling to pay taxes to support the common good; from politicians' lack of interest in investment even in the white population, since labor could be coerced from slaves; and from the southern elite's commitment to a rural, slavery-based economy rather than an urban industrializing one. Beyond the affairs of governance, southern life also differed from the North in the space available for free, open debate of new ideas. During the antebellum years, the elite Southerners' growing commitment to defending slavery also involved efforts to promote conformity and to resist political reforms, even those that had little to do with slavery. The censorship of the mails, in which the post office banned antislavery literature from the mails to southern states, also cut off access to debates over the role of women, the growth of public education, and other debates that shaped northern politics.[177]

Republicans during Reconstruction generally aimed to eliminate many of these distinctions between North and South. Northern Republicans who came South like Albion Tourgée, an attorney who stayed in North Carolina, had often been versed in the reform and government programs that flourished in parts of the Northeast and Midwest. White loyalists in the South were often heirs to a Whig tradition of governmental support for infrastructure and internal development. And African Americans like Henry McNeal Turner became particularly vocal advocates of reform as they critiqued a system that had held them back for generations. Some like Tunis Campbell in the Sea Islands of Georgia and South Carolina's Richard Cain favored revolutionary programs to remake the economy and laws of the South to benefit tenant farmers; others like South Carolina's Francis Cardozo held views more akin to those of middle-class

[176]Ibid., 316-32.

[177]Michael W. Fitzgerald, *Splendid Failure: Postwar Reconstruction in the American South* (Chicago: Ivan R. Dee, 2007), 72-118, 143-65.

Republicans from the North, supporting programs that would more cautiously help African Americans gain access to land. Few had any interest in defending what seemed to them the retrograde ways of the slaveholding South. While African American men played the most public roles in these early debates, black women expressed their views in conventions and community meetings, often pushing male politicians toward more radical political stances and punishing black politicians who allied with white Democrats.[178]

But newly elected Republican governments after 1868 faced immense challenges as they sought to reconstruct the South. The first was the war itself. The Civil War had delivered devastating punishment to the Confederates who launched it, as well as to other black and white Southerners. One-half of the livestock and one-third of the machinery had been destroyed in the conflict. Columbia, South Carolina; Richmond, Virginia; and other cities lay in ruins. Across the South, both US and Confederate armies had destroyed bridges and railroads. During the war, southern states had failed to keep up harbors and Mississippi River levees. In rebuilding the states, Reconstruction politicians also had to serve many more people than prewar politicians did. In Louisiana and South Carolina, the end of slavery roughly doubled the number of citizens who could call upon the state for help and enjoy its services; in other states, freedpeople added 20 to 40 percent to the numbers of people the state was obliged to serve.[179]

Reconstruction governments also faced enormous fiscal challenges. The war had drained away most money in state budgets, leaving only fifty dollars in cash and $500 in "negotiable paper" in Mississippi's vaults. Moreover southern states had built up vast debts before and just after the war, mostly in bonds for railroads. Louisiana alone owed $17 million to state bondholders at the start of 1868. But the biggest problem was in laying and collecting taxes. Before emancipation, most southern states had raised money by taxing slaveholding, either directly or indirectly, rather than land, thus allowing planters to accumulate large untaxed tracts and small farmers to avoid taxation altogether. By outlawing slavery, the US government not only wiped out roughly $3 billion in capital from the South but also swept away a crucial source of tax revenue. To raise money, new southern state governments would have to turn to new methods, primarily to taxation of land. But this, too, posed problems. Southern land had declined in value due to wartime damage, the difficulty in reestablishing crops, and competition from alternative sources of cotton in India and Egypt. To raise taxes on land, moreover, would subject small-scale white landowners to burdens far greater than what they had paid in the antebellum period. Even then, state governments struggled to generate significant revenue. For one thing, all the money invested in Confederate bonds had been wiped out. The South was cash-poor; ten times more money circulated per capita in New England than in the South. And new southern bonds had to yield high interest in order to sell in northern capital markets.[180]

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[178]Foner, *Reconstruction*, 102, 287, 351-53, 358, 375; K. Stephen Prince, *Stories of the South: Race and the Reconstruction of Southern Identity* (Chapel Hill: University of North Carolina Press, 2014), 15-51; Barkley Brown, "To Catch the Vision of Freedom."

[179]Foner, *Reconstruction,* 124-30.

[180]Lawrence N. Powell, "Southern Reconstruction Governments," in *Reconstruction: The Official National Park Service Handbook,* ed. Robert Sutton and John A. Latschar (Fort Washington, PA: Eastern National Press, 2016), 100-11.

Faced with such obstacles, many Reconstruction governments succeeded to a surprising extent in reestablishing stable governments and extending their reach and scope. Nowhere was their success more evident than in education. Prior to the Civil War, southern state governments had barred slaves from reading and writing and extended meager, and in some places non-existent, education to whites. Southern states not only had the highest overall rates of illiteracy but also the highest rates of illiteracy among whites. During the war, missionaries from organizations like the American Missionary Association and homegrown teachers started schools backed by the Freedmen's Bureau, bringing education to both white and black children who had previously lacked access. But the greatest expansion in education came with the early Reconstruction governments, which created the region's first significant school systems. Although they faced enormous obstacles in funding, these schools began to transform the South. In North Carolina, Reconstruction schools brought education both to freedpeople and to previously neglected white children in the western part of the state. South Carolina required public education statewide for the first time. In other forms of social welfare, southern states also emulated northern states and, indeed, developments occurring throughout the modernizing world. Reconstruction governments created asylums, state hospitals, workhouses, and state prisons, drawing on the tools available to them in efforts to both assist impoverished people and nudge them toward wage labor. In Mississippi, for example, Reconstruction governments opened the existing state asylum to African Americans and for the first time implemented a system of regular inspection. In South Carolina the Lunatic Asylum and State Hospital more than doubled in the number of people it served between 1860 and 1880, adding more than 50 percent to its white inmates along with a vast increase in African Americans. Arkansas created its Lunatic Asylum in 1873 and appropriated funds though its construction was delayed for a decade. North Carolina began constructing the first state prison to reform the locally based jail system in 1870.[181]

Reconstruction governments also aimed to modernize legal codes. Reconstruction governments stripped away vestiges of slavery from the law and in New Orleans integrated schools and streetcars. Instead of simply removing race from existing laws, many Republicans sought to create a new system of law altogether. In North Carolina's constitutional convention, Ohioan Albion Tourgée looked to northern states for models of township government that would promote local self-governance and build a democracy from the ground up in the countryside. After the convention Tourgée would become a prominent Republican judge leading the fight against the Ku Klux Klan and also helped found Bennett College in Greensboro, North Carolina. Later he would become a famous author of novels, including two bestsellers that specifically focused upon the Ku Klux Klan in the South: *A Fool's Errand, by One of the Fools* and *Bricks without Straw*. At the end of the century, Tourgée helped guide the legal team aiming to strike down racial segregation in *Plessy v. Ferguson.* Others were inspired by northern states to remake laws regarding contracts and business regulation. Many remade tenant law to give laborers the first claim on crops at the end of the growing season; South Carolina tried to divide tax-forfeited land into plots that ex-slaves could buy. Through homestead laws protecting the homes of debtors, states tried in halting ways to create and

[181]Foner, *Reconstruction*, 364-79; Peter McCandless, "Curative Asylum, Custodial Hospital: The South Carolina Lunatic Asylum and State Hospital, 1828-1920," in *The Confinement of the Insane: International Perspectives, 1800-1965*, ed. Roy Porter and David Wright (New York: Cambridge University Press, 2003), 184.

support the class of small farmers that had provided stability and supported democracy in much of the North, and to speed the break-up of the vast plantations whose owners had dominated southern politics.[182]

The Great Financial Panic of 1873 – Closing the Door of the Stock Exchange on Its Members, 1873. *Frank Leslie's Illustrated Newspaper* 37, no. 940 (October 4, 1873): 66. Courtesy of LOC P&P.

Reconstruction governments struggled mightily over the problem of railroads. Like some of their antebellum predecessors, they hoped to use railroad construction to prompt economic development in the South. South Carolina's state government before the war operated the Blue Ridge Railroad, and Georgia's state government owned the Western & Atlantic. With the end of the war, the first post-surrender conservative governments in the South turned to their old tools. The 1865-1867 conservative governments of Alabama, Georgia, and Texas for example, extended between $10,000 and $15,000 per mile in government endorsements of railroad bonds for companies that built twenty continuous miles of track; Texas alone chartered sixteen new railroads in its first legislature after the Confederate surrender. Reconstruction governments in many ways then carried on existing regional and national efforts. They participated in the wave of railroad mania that spread across the country after the Civil War, helping to fuel the speculative fever that burst in the Panic of 1873. As they lent money to railroads, Reconstruction governments incurred debts they could not pay. Some of the money they invested was simply lost in corruption, but this was characteristic of the era. Among the leading proponents of railroad expansion in the Reconstruction South was Georgia Governor Rufus Bullock, a former railroad president. Bullock's government, like others, would be accused of corruption in its use of aid to the Western & Atlantic Railroad. In fact, corruption was generally as high, or higher, in northern state governments than in the southern Democratic governments of the 1870s-1880s. Reconstruction governments almost certainly overspent on railroads; in

[182]Foner, *Reconstruction*, 316-30; Mark Elliott, *Color-Blind Justice: Albion Tourgée and the Quest for Racial Equality from the Civil War to* Plessy v. Ferguson (New York: Oxford University Press, 2006).

this, they were like many of their northern peers and the Southerners who would come later. The massive expansion of the Louisville & Nashville Railroad in the postwar years helped stitch together a nearly region-wide network; the miles of track almost tripled between the end of the war and 1890. During the 1880s and 1890s, numerous regional railroad lines were consolidated into—or controlled by—larger companies like the Seaboard Air Line Railway and the Southern Railway Company.[183]

It is tempting to imagine that the overthrow of state Republican governments abruptly ended government-led efforts to modernize the region. Certainly many of the Democratic politicians who rode violence, fraud, and political backlash to victory in the 1870s claimed a profound break with Reconstruction and a return to the conservatism of the prewar governments. In their language they "redeemed" the South from the brief experiment of Reconstruction, and self-styled Redeemers described that experiment in terms that went beyond its racial transformations. They charged Reconstruction governments with taxing and spending too much and intruding upon local affairs.[184]

Once in office, however, Democrats found it harder than they may have imagined to abandon the programs of Reconstruction. For one thing, some of the programs were quite popular, especially public education. In many states, particularly North Carolina, Redeemers simply continued the general system of Reconstruction education but cut spending on black schools dramatically, as they did with prisons, hospitals, and asylums. These forms of social welfare proved in some areas too popular to terminate. Instead, Democratic governments emphasized the white racial purity of the people who ran these institutions and the threat that biracial control had posed. And many post-Redemption governments continued Reconstruction railroad construction programs, incurring public debt while trying to expand economic productivity in ways quite similar to their predecessors. Many legal reforms, like those embedded in North Carolina's 1868 constitution, also endured even after the new regime took over. Ruefully, and privately, many lawyers admitted that Tourgée's suggested revisions of the court system and trial procedures had clarified technical issues that the antebellum code had left unresolved. At the same time, so-called Redeemers in many states, like North Carolina's Zebulon Vance, undid the forms of local government that Reconstruction constitutions had granted, giving state legislatures power to name county officers and magistrates as a means to eliminating black power. They also undid tenant protections that had helped create space for poorer farm workers—black and white—to buy and sustain small landholdings.[185]

Beyond the government, public life in the South was modernized by the creation of thousands of private organizations that became crucial meeting grounds for Southerners. Black and white Southerners created and joined organizations with enthusiasm, and reform efforts—once considered "tainted" by malign northern influence—could now be embraced as a local, southern phenomena, grounded in the desires of the region's people. Among African Americans, new

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[183]Mark Wahlgren Summers, *Railroads, Reconstruction, and the Gospel of Prosperity: Aid under Radical Republicans, 1865-1877* (Princeton: Princeton University Press, 1984), esp. 3-31.

[184]Michael Perman, *The Road to Redemption: Southern Politics, 1869-1879* (Chapel Hill: University of North Carolina Press, 1985), 149-92.

[185]Ibid., 193-220.

churches and privately supported schools flourished, as did fraternal and sororal organizations like the Prince Hall Masons and the Order of the Eastern Star, as well as local women's clubs that often turned their attention to racial uplift in projects like Atlanta's Neighborhood Union. At the same time, white Southerners, freed from the political constraints of slavery, likewise worked to imagine a "new" South that, they hoped, would embrace urbanization and economic development while maintaining its own distinct regional identity. Many white southern women took up increasingly public roles, particularly in the burgeoning temperance movement. In such work they honed their organizational skills, entered statehouses as lobbyists, and sometimes even took to the streets as protesters. From a closed society with grave limitations on freedom of speech even for its most-privileged members, the South was developing social spaces for discussion and organization.[186]

A younger generation of white Southerners emerged, whose members envisioned a South that would be industrialized, educated, and economically competitive. State universities, which admitted white students only, strove to create an educated leadership and business class for the region. The universities of Virginia and North Carolina had drawn numbers of white Northerners before the war, but now they drew their student bodies largely from their own states. Several state universities experienced remarkable periods of growth and modernization, abandoning old curricula to train gentlemen for sciences and social sciences. Most notable, perhaps, was Edwin Alderman's efforts to modernize educational systems and attract northern attention and capital, first as an educational reformer for North Carolina public schools, then as president of the University of North Carolina, Tulane, and the University of Virginia. Men like Alderman also led efforts to modernize and expand the underfunded white public schools.

The most prominent of the "New South" boosters was Atlanta's Henry Grady, but the movement had the support of educators, mill owners, bankers, publishers, and reformers across the South. Many sought to place the Civil War behind them and to embrace a resurgent American nationalism in the 1890s. Grady was crucial in the famous Atlanta cotton expositions of 1881 and 1895, which helped establish Atlanta as a center of New South commerce and ideas. The 1895 exposition, formally known as the Cotton States and International Exposition, attracted more than 700,000 visitors.

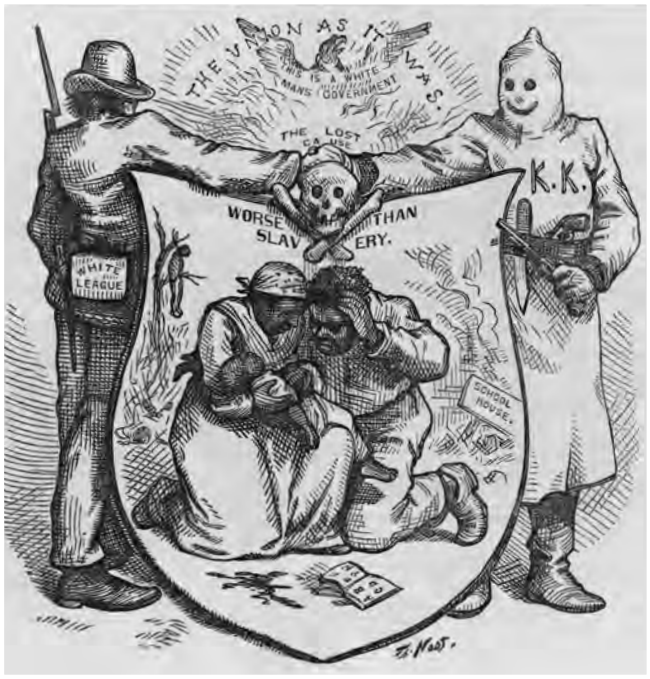
If debates flourished on many issues, however, in most white circles it was impossible to challenge the system of racial caste that the South's modernizers of the 1880s and 1890s were working to construct. Many of them expanded Reconstruction's educational and public works programs; educational reformers in early twentieth-century North Carolina privately admitted that they built on the work of both Republican Reconstruction and of the short-lived Republican-Populist biracial governance of the state. But North Carolina Governor Charles Aycock and his allies, like Josephus Daniels, turned those tools to explicitly racist ends, advocating both educational progressivism and harsh racial segregation as two sides of their program to remake the South. Such reformers harnessed the tools of modernization to the supposedly "scientific" ideas about racial difference advocated by thinkers such as eugenicist Francis Galton, reform Darwinist Benjamin Kidd, and University of North Carolina president George Winston. They

[186]Hahn, *Nation Under Our Feet*, 460-64.

insisted that racial segregation and race-based oppression were modern and necessary. Although W.E.B. DuBois and others challenged these views in the 1890s, and the seeds of their demise were already being sown by scholars such as Franz Boas and others, racism seemed to hold sway in national intellectual life in the 1890s, in a way that it had not in the 1870s.

With considerable savvy, African American educator Booker T. Washington crafted a message that suited the moment and enabled him to become a power broker among African Americans and between black and white institutions. At the 1895 cotton exposition in Atlanta, Washington famously laid out the "Atlanta Compromise" that framed the limits of debate. Rather than attacking segregation in front of a hostile audience of largely white Georgians, Washington emphasized economic advancement for African Americans, saying, "in all things that are purely social we can be as separate as the fingers, yet one as the hand in all things essential to mutual progress." Behind the scenes, Washington delivered his conciliatory message to northern philanthropists but also supported civil and voting rights organizations.[187]

For white southern leaders like Grady, the region's reliance on northern capital to modernize the economy posed profound intellectual and cultural problems. Integrating into national markets required tamping down secessionist celebrations and accepting American national unity. On the other hand, the dislocations caused by economic changes threatened to fragment white southern society. Many middling and poor whites suffered gravely during the postwar decline in cotton prices, losing their land and falling into sharecropping in large numbers. A growing discontent among agrarian white Southerners threatened the racial unity that Democrats worked hard to construct during Reconstruction.



The Union as It Was; The Lost Cause, Worse Than Slavery, 1874. White League member shaking hands with Klansman over shield illustrating an African American couple. *Harper's Weekly* 18, no. 930 (October 24, 1874): 878. Courtesy of LOC P&P.

To try to navigate these contradictions and hold together this changing world, Grady and many others created a mythology of the Lost Cause that venerated the Old South even as it accepted the US government's triumph over the Confederacy. Lost Cause celebrants generally praised the alleged honor of the Old South, but unlike older die-hard Confederates many accepted defeat as inevitable. They portrayed the Confederacy

[187]William A. Link, *Atlanta: Cradle of the New South: Race and Remembering in the Civil War's Aftermath* (Chapel Hill: University of North Carolina Press, 2013), 190-200; David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge, MA: Harvard University Press, 2002), 255-99.

as both noble and doomed, and they bowed to national power. In doing so, they tried to sideline those who would not accept the terms of national reconciliation and who might threaten northern acceptance.

They also portrayed Reconstruction as a catastrophic error, a foolish and corrupt effort to place northern carpetbaggers and African Americans over fundamentally loyal white Southerners. These portrayals echoed through novels by Thomas Dixon, the film *Birth of a Nation* (1915), and the waves of scholarship that poured out of Columbia University, particularly under the tutelage of William Archibald Dunning.

Meanwhile, proponents of the Lost Cause vision of the Civil War built their narrative of a society of mild slave owners who fought a just cause into the visual landscape of the South and the nation. In Confederate memorials across the South, they celebrated the wartime service of the Confederates while obscuring the service of southern African Americans, as well as the cause and nature of the conflict. And in sites like the marker to the "Colfax Riot" at Colfax, Louisiana, they told a false story of carpetbaggers and home rule, rather than the true story of a vicious massacre of surrendering local African Americans. At the obelisk erected in 1921 in the town cemetery, local whites celebrated the three white men who died "fighting for white supremacy" and made no mention of the scores of African Americans who also died there or the cause for which they died. White Southerners also, of course, sidelined the African American dissenters who continued to celebrate the Civil War as a battle to destroy slavery and slaves as key actors in overthrowing the Confederacy and saving the Union. That dissenting tradition—and especially its celebration of the revolutionary potential of Reconstruction—was expressed most brilliantly in the work of W.E.B. DuBois, first in influential articles in the early 1900s and then in his monumental 1935 book *Black Reconstruction in America: An Essay toward a History of the Part which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860-1880*.[188]

In celebrations of the fiftieth and seventy-fifth anniversaries of Gettysburg and other battles, white Southerners' vision of a brothers' war—of noble siblings who fought one another honorably—moved into the national consciousness, and African Americans' contributions were sidelined. By the hundredth anniversary of the Civil War, the vision of the Civil War as a brothers' war had triumphed in many public venues, including at Civil War sites administered by the National Park Service. There, interpretations typically focused only on the fighting, with little attention to the causes of the Civil War, to slavery, or to the agency of African Americans. Between 1998 and 2001, the National Park Service worked systematically to begin updating interpretations to reflect the "social, economic, legal, cultural, and political forces and events" that led to the Civil War, and particularly the role of slavery in causing the Civil War.[189]

White Southerners had found receptive audiences for both the romantic view of the Old South and the explicit racism upon which it was founded. With the decline of Reconstruction and bitter battles against southern and eastern European immigration in the East and Asian immigration in

[188]Blight, *Race and Reunion*; W.E.B. DuBois, *Black Reconstruction in America, 1860-1880* (New York: Harcourt Brace, 1935).

[189]Robert K. Sutton, "Holding the High Ground: Interpreting the Civil War in National Parks," *The George Wright Forum* 25, no. 3 (2005): 47-57.

the West, whites across the country increasingly turned to elaborate and putatively "scientific" justifications for white supremacy. Many intellectuals fused longstanding cultural views of white superiority to new visions of scientific racism emerging in ethnology, anthropology, and sociology. Yet the door never fully closed on the kinds of antiracist activism begun during the abolitionist movement and continued during the Civil War and Reconstruction. Segregation and racial discrimination were rampant in the North, but northern states never attempted to systemically disenfranchise their black populations, nor did they pass extensive segregationist legislation. To the contrary, amid the dismantling of federal Reconstruction policies, in the 1880s and 1890s many northern states passed civil rights laws designed to prohibit racial discrimination in public accommodations. African Americans—under leadership of the New York-based editor T. Thomas Fortune, the son of a black Reconstruction politician from Florida—in 1887 organized the National Afro-American League. A few years later, white attorney and former politician Albion Tourgée established an interracial civil rights organization called the National Citizens Rights Association, which sought to denounce racist violence and discrimination and pushed the Republican Party to work harder on behalf of African Americans in the South.[190]

The modernization of the South remained an incomplete project at the end of the nineteenth century, as it remained for the first half of the twentieth. Even after the 1890s, southern politicians remained stymied by the problems of taxation and economic diversification that had bedeviled their predecessors. Despite some efforts to raise taxes sufficient to fund education and other social welfare programs, most southern states remained woefully behind those in other regions in their expenditures, days of instruction, and levels of literacy. Although significant manufacturing enterprises did emerge, particularly cotton mills fueled by the labor of men, women, and children, southern states remained low-wage economies heavily dependent upon the price of cotton in a world where cotton's price on the global market continued to decline.[191]

In part the challenges were structural; it was difficult for any political regime, regardless of party, to raise sufficient funds in a declining agricultural economy. In part, however, the limitations were political and closely tied to the downfall of Reconstruction. Southern states remained peculiarly averse to funding education and social welfare programs at the levels of their sister states precisely because many white voters feared that the funds would be spent on African Americans. And white southern politicians often tried to weaken federal programs because they feared outside intervention in the legal regime of white supremacy. Many white Southerners continued to believe that the US government represented unjust coercion rather than legitimate authority wielded in the name of the whole American people. Over the twentieth century, many white and black Southerners voted with their feet, departing the South in large numbers for the Northeast, Midwest, and West, a movement accelerated by mobilization for World War I and the mechanization of agriculture.[192]

Looking back, it is easy to imagine that the brief democratic experiment with interracial government during Reconstruction had little impact on southern modernization. In many respects

[190]Elliott, *Color-Blind Justice*.

[191]Beckert, *Empire of Cotton*, 274-311.

[192]Ransom and Sutch, *One Kind of Freedom*, 171-99; Wright, *Old South, New South*; Gregory, *Southern Diaspora*, 11-42.

southern states continued to trail other states in basic services like education and to suffer under economic stagnation and decline that in turn led to a massive exodus of talented white and black Southerners. But assessing the impact of Reconstruction requires that we look beyond those summary conclusions and ask what would have become of a South without Congressional Reconstruction. Here, the example of the 1865-1866 governments provides grim warnings. Those governments not only denied African Americans basic freedoms and excluded them from basic services, including education, but also preserved a southern economy and governance in amber. Without the experience of Congressional Reconstruction, with the continuation of a political system that did not provide basic education even to white southern children much less to African Americans, it is easy to imagine a South much poorer, much less populated, and much farther behind. To that degree, then, the economic revitalization of the South in the wake of the civil rights movements of the 1950s and 1960s owed some of its success to its Reconstruction predecessors.

C. NATIONAL HISTORIC LANDMARK REGISTRATION GUIDELINES

Leading historian Eric Foner has called Reconstruction both "America's unfinished revolution" and the "violent, dramatic, and still controversial era that followed the Civil War." The period was characterized by the liberation of four million African Americans from slavery, the unprecedented growth of popular democracy, three critical amendments to the Constitution, and an intense backlash and period of retrenchment. Episodes associated with Reconstruction occurred across the US South, and, indeed, across the nation. The significant changes of the era involved a vast range of people, organizations, and governments.

National Historic Landmarks designated under the *Reconstruction* theme study must be acknowledged to be among the nation's most significant properties associated with the era of emancipation, reconstruction, and retrenchment that stretched from 1861 to about 1900. The period begins with the earliest occupation of parts of the Confederacy by US military forces, and it ends with the retrenchment of the late 1890s, characterized by events like the *Plessy v. Ferguson* decision (1896) and the Wilmington Massacre in North Carolina (1898). Nationally significant associations and a high level of historic integrity are the thresholds for National Historic Landmark designation. A property must have a direct and meaningful documented association with an event or individual and must be evaluated against comparable properties before its eligibility for landmark designation can be confirmed.

Criteria for National Significance

National Historic Landmarks criteria (36 CFR part 65.4 [a & b]) are used to describe how properties are nationally significant for their association with important events or persons. According to the criteria, the quality of national significance can be ascribed to districts, sites, buildings, structures, and objects, that:

- possess exceptional value or quality in illustrating or interpreting the heritage of the United States in history, architecture, archeology, engineering, and culture; and

- possess a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association; and

Criterion 1: Are associated with events that have made a significant contribution to, and are identified with, or that outstandingly represent, the broad national patterns of US history and from which an understanding and appreciation of those patterns may be gained; or

Criterion 2: Are associated importantly with the lives of persons nationally significant in the history of the United States; or

Criterion 3: Represent some great idea or ideal of the American people; or

Criterion 4: Embody the distinguishing characteristics of an architectural type specimen exceptionally valuable for a study of a period, style or method of construction, or

that represent a significant, distinctive, and exceptional entity whose components may lack individual distinction; or

Criterion 5: Are composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition but collectively compose an entity of exceptional historical or artistic significance, or outstandingly commemorate or illustrate a way of life or culture; or

Criterion 6: Have yielded or may be likely to yield information of major scientific importance by revealing new cultures, or by shedding light upon periods of occupation of large areas of the United States. Such sites are those which have yielded, or which may reasonably be expected to yield, data affecting theories, concepts and ideas to a major degree.

The National Historic Landmarks criteria allow for the designation of archeological resources. As with buildings or structures, archeological sites are a definable property type that may have one or more significant associations with the Reconstruction era. Examination and recommendation of archeological resources, however, was not within the purview of this study. The National Historic Landmarks program plans to develop a separate companion document that will provide guidance for nominations and registration requirements for archeological resources related to the Reconstruction era. And because historic properties nominated for National Historic Landmark designation occasionally meet multiple criteria, any such nomination might well make use of registration requirements outlined in this document as well as those from the separate archeology module if/when Criterion 6 is involved.

Because the history of Reconstruction is associated with events and individuals, rather than with architecture as such, National Historic Landmarks designated in the Reconstruction context will be eligible under Criteria 1 (events) and/or 2 (individuals) and/or 3 (great ideas or ideals) as follows:

Criterion 1

National Historic Landmark Criterion 1 recognizes properties associated with events important in the broad national patterns of US history. These can be specific one-time events or a pattern of events that made a significant contribution to the development of the United States. Potential National Historical Landmarks may relate to one or more of six themes in Reconstruction history: 1) Land and Labor, 2) African American Institution Building, 3) Enfranchisement/New Democracy, 4) Civil Unrest/Violence, 5) Federal Power, 6) Modernizing/Remaking the South. Places nationally significant in the history of Reconstruction are most often closely associated with the history of slavery's abolition and black institution building; passage and impact of federal legislation and constitutional amendments; political changes at the local level that had a national impact; and retrenchment, often through violence. An explanation of the above themes and how an associated property may have national significance is provided below:

1. Land and Labor

Reconstruction transformed both land and labor relationships in the American South. As four million former slaves gained their freedom, they pressed demands for land upon the federal government, gaining temporary control over tracts of land along the Atlantic Coast and elsewhere. Where they could not get land, freedpeople sought to remake their labor relationships so that they could capture some of the essential characteristics of freedom, including wages and self-determination.

A property associated with an event from this era may be eligible under Criterion 1 if the event made a significant contribution to:

- The renegotiation of labor relationships after slavery;
- African Americans' quest to own land, in either rural or urban locales; and/or
- The historical origins and development of sharecropping and other forms of agriculture characteristic of the US South in the period 1861-1900.

2. African American Institution Building

Newly free African Americans sought to build upon their existing social relationships by constructing legal, permanent institutions. Central to their aspirations were cultivating family relationships and building schools, churches, and fraternal and sororal societies. In such societies, African Americans developed new skills and cultivated social bonds that helped sustain communities.

A property associated with an event from this era may be eligible under Criterion 1 if the event made a significant contribution to:

- The creation, stabilization, or growth of African American institutions, including but not limited to families, schools (primary, secondary, or post-secondary), churches, and fraternal and sororal associations.

3. Enfranchisement/New Democracy

With the passage of the Military Reconstruction Acts of 1867 and then the Fifteenth Amendment in 1870, freedpeople entered formal politics in huge numbers, casting votes that shaped presidential elections and, perhaps even more crucially, selecting local officials who regulated their daily lives. Drawing upon political and moral views developed under slavery, freedpeople emerged quickly as relatively cohesive, powerful participants in political life and eventually elected thousands of local officials. This transformation of democracy remade not only African American life but the United States more broadly.

A property associated with an event from this era may be eligible under Criterion 1 if the event made a significant contribution to:

- Efforts to bring universal manhood suffrage to the former Confederacy, including voter registration and voting itself;
- Legislation at the state or federal level that promoted universal manhood suffrage;
- The creation and enforcement of the Thirteenth, Fourteenth, or Fifteenth Amendments; and/or
- Debates about the extension of voting rights to women.

4. Civil Unrest/Violence

The rapid transformation of freedpeople from slaves to political participants, and the extraordinary reconstruction of southern labor and law, inspired a furious, violent counterattack by some white Southerners who sought to restore their power by force. In coups in Wilmington, Colfax, and other locations, and in assaults upon freedpeople attempting to vote or organize politically, vigilante groups like the Ku Klux Klan, the White League, and the Red Shirts initiated a reign of terror in the South that culminated with the disenfranchisement of almost all freedpeople and the construction of a segregated Jim Crow South.

A property associated with an event from this era may be eligible under Criterion 1 if the event made a significant contribution to:

- Efforts to suppress African Americans' and/or white Unionists' votes through violence and intimidation;
- The violent overthrow of duly elected Republican governments; and/or
- Violence against African Americans that was not directly connected to politics.

5. Federal Power

Reconstruction also remade the national government. The three constitutional amendments ratified during Reconstruction created new templates for federal power and in some respects represent a second founding of the country, one that remade many of its basic constitutional premises. While the ultimate power of federal authority was clear, the exact contours of national and state power was subject to debate and Americans argued vigorously over the role and size of the US Army and the newly formed Justice Department and, more broadly, over the place of the federal government in daily life.

A property associated with an event from this era may be eligible under Criterion 1 if the event made a significant contribution to:

- Debates about the appropriate extent of federal power in the southern states;
- The role of the US Army and Navy in Reconstruction; and/or
- The creation of new legislation and constitutional amendments that reshaped the relationship between the US government and local and state governments.

6. Modernizing/Remaking the South

Reconstruction was a moment when the South's economy and institutions were remade. An Old South built upon slavery could not simply be updated to fit a new world of emancipation but instead had to be rebuilt from its foundations. Despite the turmoil of constructing new labor systems, Reconstruction was also a period of economic growth and development, as southern governments invested dramatically in railroads, education, and other forms of public services. While the southern economy and culture remained stymied by segregation and the limits it imposed on public debate and on public works, Reconstruction established some of the infrastructure and processes that would shape the New South of the twentieth century.

A property associated with an event from this era may be eligible under Criterion 1 if the event made a significant contribution to:

- The history of modernization of the region, in areas including railroad development, public education, and the "New South" movement.

Criterion 2

To be considered for National Historic Landmark designation under Criterion 2, a property must be associated with an individual who played a critical role in the history of the Reconstruction era. The individual must have made nationally significant contributions that can be specifically documented and that are directly associated with both the history of Reconstruction and the property being considered. To determine a definitive national role, it will be necessary to compare the individual's contributions with the contributions of others in the same field and to compare the significance of the individual's Reconstruction-era activity or accomplishments at this property with other Reconstruction-era properties associated with this individual. General guidance for nominating such properties is given in *National Register Bulletin 32: Guidelines for Evaluating and Documenting Properties Associated with Significant Persons*.

A person whose associated property may be eligible under Criterion 2 may include an individual who:

- Can be documented as a preeminent leader in any of the six thematic areas noted above; and/or

- Played a pivotal role in an important regional or local event that led to changes at a national level.

Criterion 3

National Historic Landmark designation under Criterion 3 recognizes properties that represent some great idea or ideal of the American people. This criterion relates to properties that express some great overarching concept or image held by the population of the United States. It could be a general historical belief, principle, or goal. The application of this criterion clearly requires careful scrutiny and applies only in rare instances involving ideas and ideals of the highest order in the history of the United States.

A property may be eligible under Criterion 3 if it:

- Is strongly associated with central events that occurred during Reconstruction, including, for the first time in American history, the permanent abolition of slavery; the passage of federal laws and constitutional amendments that recognized the right of all persons to be free and to enjoy equal protection and due process of law; the promise that all persons born in the United States are citizens of the United States; and the principle that voting cannot be restricted on the basis of race.

National Historic Landmark Criteria Exceptions

Certain kinds of property are not usually considered for National Historic Landmark designation, including religious properties, moved properties, birthplaces and graves, cemeteries, reconstructed properties, commemorative properties, and properties achieving significance within the past fifty years. These properties can be eligible for listing, however, if they meet special requirements called National Historic Landmark Criteria Exceptions. The following exceptions may be anticipated in Reconstruction-related properties:

Exception 1: Many religious properties are associated with black institution building in this period. To be eligible for consideration, churches must have demonstrable significance as sites of freedpeople's political culture and/or education.

Exception 3: In some instances, no other extant resources survive to tell the story of crucial Reconstruction events, including events associated with struggles over land and labor, sites of black institution building, and sites of violence and civil unrest. To be eligible for consideration, a site of a building or structure no longer standing would need to have demonstrable national significance greater than what is normally required for National Historic Landmark eligibility. Archeological evidence could also be used to bolster the case for such a resource. This criteria exception is rarely invoked because it is seldom applicable.

Exception 4: A birthplace, grave, or burial would be considered for designation if it is for a historical figure of transcendent national significance and no other appropriate site, building, or structure directly associated with the productive life of that person exists. This criteria exception is rarely invoked because it is seldom applicable.

Exception 5: Cemeteries were often sites of African American community and institution building. As Jim Crow laws solidified during the period under consideration, separate white and black cemeteries developed. Black cemeteries were often associated with black churches and civic associations.

Integrity

Properties considered for National Historic Landmark designation must meet at least one of the National Historic Landmark criteria identified above and meet any relevant National Historic Landmark exceptions. In addition, the property must retain a high degree of integrity. Integrity is defined as the ability of a property to convey its significance. The seven aspects or qualities of integrity are: location, design, setting, materials, workmanship, feeling, and association.

All properties must retain the essential physical features that define both why a property is significant (criteria and themes) and when it was significant (periods of significance). These are the features without which a property, such as a courthouse or early twentieth-century church, can no longer be identified. For National Historic Landmark designation, properties must possess these aspects to a high degree. The following is a description of the aspects of integrity and special issues that may be anticipated with the era of Reconstruction.

Location is the place where the historic property was constructed or the event occurred. Any property that has been moved is unlikely to be eligible for consideration.

Setting is the physical environment of a historic property. Over time the setting associated with a particular event may have changed. In evaluating the integrity of setting, consider the significance of the individual property and whether the setting is important in interpreting that significance.

Design is the combination of elements that create the historic form, plan, space, structure, and style of a property. This includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials. In evaluating integrity of design, changes over time that have altered the design associated with the property's historical significance should be discerned. A store may have become a restaurant, a church may have a new addition, or a train station may have been converted to a museum. In these instances, the significance of the property and whether it can still convey the event with which it is associated should be taken into account. Design can also apply to districts and to the historic way in which the buildings, sites, or structures are related, for instance in an urban area where significant Reconstruction-related events took place. Assessments of integrity will require knowledge of how and where a given event occurred and if associated spaces and buildings can convey their historical association.

Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. Rehabilitation of buildings over time may have altered materials from those present during the associated event. A property must retain the key materials dating from its period of significance to be eligible under this theme study. If a property has been rehabilitated, the historic materials and significant features must have been preserved.

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history. This element is most often associated with architecturally important properties. However, it is also of importance to Reconstruction properties for illustrating a time period associated with an event.

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. With regard to Reconstruction properties, integrity of feeling may be associated with the concept of retaining a "sense of place." For example, a nineteenth-century structure that retains its original design, materials, workmanship, and setting will relate the feeling of its time and culture.

Association is the direct link between an important historic event or person and a historic property. For Reconstruction, this will be places where significant events, including political meetings, court cases, and violent incidents occurred, or where significant persons lived or

worked, or where significant institutions—African American schools and churches, for example, or Freedmen's Bureau offices—were housed.

Comparison Evaluation

Finally, each property being considered for National Historic Landmark designation must be evaluated against other properties bearing a similar nationally significant association. Comparing properties associated with the same event provides the basis for determining which sites have an association of exceptional value or quality in illustrating or interpreting the history of Reconstruction.

D. METHODOLOGY

Creating the Context

The National Park Service partnered with Reconstruction-era historians to prepare the theme study's historic context. The scholars were charged with producing a chronological and thematic account of Reconstruction, defined as the period of political, economic, and social change, especially in the US South, from 1861 to approximately 1900. Because of the enormity of the overall task, the study focused specifically on issues and events in the former Confederacy. Reconstruction may also be interpreted to include many significant events and themes that occurred in this period but that are not referenced in the study, including but not limited to US military activities and the history of Native Americans in the Trans-Mississippi West, African Americans and civil rights in the North, border states in the South that did not join the Confederacy, and industrialization and labor upheaval. Future studies might endeavor to examine some of these areas as a supplement to the present work. Supplemental work by subject matter experts is expected to include guidance and registration requirements for the consideration of archeological resources related to the Reconstruction era. The present report was prepared in sufficient depth to support the relevance, relationships, and national importance of places to be considered for National Historic Landmark designation according to the following aspects:

- economic, social, judicial, and political forces related to the topic;
- significance of individuals and events crucial or definitive to the story; and
- places associated with these individuals and events.

Inventory Search for Sites Recognized as Nationally Significant

A list of existing landmarks associated with Reconstruction history was compiled using the secondary literature on the period alongside formal and informal canvassing. The Chief Historian of the National Park Service sent written invitations to State Historic Preservation Officers (SHPOs) in all the former Confederate states requesting information on "historic resources associated with the Reconstruction era that might have the potential for further research for possible National Register or National Historic Landmark nomination." The SHPOs were also urged to extend the request to people and organizations in their own networks. Publicity surrounding the project generated numerous additional suggestions from members of the general public. All suggestions were compiled by a researcher based in Charleston, South Carolina, who created a spreadsheet for each state. Outreach efforts generated suggestions of several hundred sites. Among them, many were sites with little integrity or sites that, while perhaps important locally, could not be said to be of national significance.

Overview of Sources

To gain additional perspective and scholarly opinions against which to evaluate events and properties, the authors conducted intensive research using primary and secondary sources. They drew extensively on two acclaimed syntheses of the period, Eric Foner's *Reconstruction:*

America's Unfinished Revolution, 1863 to 1877, and Steven Hahn's *A Nation Under Our Feet: Black Political Struggles in the Rural South, from Slavery to the Great Migration*. For primary sources and interpretive essays on the early years of Reconstruction, the published works of the Freedmen and Southern Society Project were especially useful. In addition to four volumes that cover the Civil War years (1861-1865), two publications in the *Freedom: A Documentary History of Emancipation* series are dedicated to the years 1865-1867.[193]

Reconstruction has been the object of intense academic study. A crucial figure in its study during the early twentieth century was William A. Dunning (1857-1922), who as a professor at Columbia University wrote his own books and directed a myriad of doctoral dissertations on the period. Many of his students, known collectively as the "Dunning School," undertook state-based studies, recognizing that the trajectories of Reconstruction varied from state to state and region to region within the South. State-based studies have remained important in Reconstruction scholarship, and each state of the former Confederacy has been the subject of one or more book-length studies of Reconstruction. Yet subsequent scholarship has challenged and often discredited the interpretations offered by Dunning and his students, who generally believed that African Americans were at best second-class citizens and that federal Reconstruction policy had been a terrible mistake driven by northern vindictiveness.

The field of Reconstruction history has been marked by crucial interpretive shifts since the mid-twentieth century. Eric Foner explained these shifts in a crucial 1982 essay, "Reconstruction Revisited," in *Reviews in American History*.[194] Since then, additional scholars have reflected on the literature and the interpretive challenges of the period. Among the most useful of these is Thomas J. Brown's edited collection *Reconstructions: New Perspectives on the Postbellum United States*.[195] They have also reflected on the genesis and impact of earlier scholarship in works such as John David Smith's and J. Vincent Lowery's *The Dunning School: Historians, Race, and the Meaning of Reconstruction*.[196]

The era of Reconstruction has always been central to the writing of African American history, and modern scholars often cite their debt to W.E.B. DuBois, who began, in the late nineteenth century, to write against the grain of the Dunning School and white supremacist interpretation. His work on the period culminated in the 1935 publication of *Black Reconstruction: An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860-1880*. Since the 1960s, scholars have explored a variety of aspects of the period, including the development of African American politics, the history of education, southern

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[193]Ira Berlin et al., *Freedom: A Documentary History of Emancipation, 1861-1867*, Land and Labor, 1865 ser. 3, vols. 1 and 2 (Chapel Hill: University of North Carolina Press, 2008). The project's website is located at http://www.freedmen.umd.edu.

[194]Eric Foner, "Reconstruction Revisited," *Reviews in American History* 10, no. 4 (December 1982): 82-100.

[195]Thomas J. Brown, ed., *Reconstructions: New Perspectives on the Postbellum United States* (New York: Oxford University Press, 2006).

[196]See John David Smith and J. Vincent Lowery, *The Dunning School: Historians, Race, and the Meaning of Reconstruction* (Louisville: University Press of Kentucky, 2013). The authors of the present study authored a brief essay for the *Atlantic* on this topic: http://www.theatlantic.com/politics/archive/2015/04/theres-no-national-site-devoted-to-reconstructionyet/389138/.

urbanization and black life in cities, interpersonal and political violence, and changing gender relationships and norms. Significant recent scholarship also exists on southern modernization and on the legal and constitutional changes of the period.

Because the literature is so extensive, the bibliography for this study is necessarily selective. For an overview of the current state of the field, readers might turn to the National Park Service's *Reconstruction Handbook*, published by Eastern National in 2016. Several slightly dated but still relevant reference works contain more information and guidance for further reading: *Reconstruction in the United States: An Annotated Bibliography* and the *Encyclopedia of the Reconstruction Era*.[197]

Based on the historic context and the above sources, staff created a timeline to assist in clarifying the era and its key moments. That timeline is provided as Appendix A.

Site Verification and Integrity

National Park Service staff directly contacted State Historic Preservation Offices to verify the existence of sites. Staff conducted site visits, primarily to geographical areas with a concentration of properties related to Reconstruction. Sites visited included Beaufort, South Carolina, and environs, as well as Vicksburg and Natchez, Mississippi.

Peer Review

This study was made available for national and state level review and for scholarly peer review. Those contacted for review included National Park Service staff in the National Register of Historic Places and National Historic Landmarks Programs, and several National Park Service historians with expertise in the Reconstruction era. Two historians conducted scholarly peer reviews: Dr. Eric Foner, DeWitt Clinton Professor of History at Columbia University; and Deirdre Cooper Owens, Assistant Professor of History at Queens College, CUNY.

[197]See David A. Lincove, comp., *Reconstruction in the United States: An Annotated Bibliography* (Westport, CT: Greenwood Press, 2000); and Richard Zuczek, ed., *Encyclopedia of the Reconstruction Era* (Westport, CT: Greenwood Press, 2006).

E. SURVEY RESULTS

This section identifies properties associated with events considered nationally significant within the history of the Reconstruction era. These properties are divided into three categories: 1) Properties Recognized as Nationally Significant, 2) National Historic Landmarks Study List, and 3) Properties Removed from Further Study. Each listing notes the property name and location (shown in bold), the property's associated event or individual (shown in italics), and a statement of the property's significance. These categorical lists are not intended to be an exhaustive list of properties, but represent known resources that may be considered for designation under this study.

Properties Recognized as Nationally Significant

The category of *Properties Recognized as Nationally Significant* are those properties that are already designated as National Historic Landmarks. These properties are currently recognized as significant for their association with Reconstruction, or they possess significant associations with Reconstruction that have yet to be documented. These resources tend to be grouped geographically, often centered in an urban environment or an established urban historic district. Therefore, the properties listed under this category are organized according to the urban area or historic district where they are located. Properties not directly associated with a given urban area or historic district are listed separately.

National Historic Landmarks Located in Urban Areas or Historic Districts Closely Associated With Reconstruction

Many properties and locations that were important in shaping Reconstruction are located in the urban environments of the South's major cities. Several of these areas are already designated as National Historic Landmark districts, and many contain relevant properties already designated as individual National Historic Landmarks, as well as properties recommended for further study. Most of these urban areas have the potential to illustrate all six Reconstruction themes. Across the South, cities in the Reconstruction era were sites of black institution building, civil unrest, modernization, mobilization for voting and black political power and/or loci of struggles over land and labor. The impact of change at the federal level was ubiquitous in cities, as seen in black men's enfranchisement, the presence of the Freedmen's Bureau and the US Army and/or US Navy, and (in some places) federal courthouses and custom houses that assumed new significance in this era. For most of the previously designated National Historic Landmark Districts, their nominations did not consider significance related to Reconstruction. First and foremost, these existing nominations could be enhanced by updates that consider the relationships of properties in the historic district to the Reconstruction themes delineated in this study. Secondly, individually significant resources within the boundaries of these districts should be considered for designation based on their own merits.

Previously designated National Historic Landmark historic districts and relevant individually listed National Historic Landmarks within the districts identified as possessing nationally significant association with the Reconstruction era, are listed on the next page.

Beaufort Historic District, South Carolina (NHL, 1973). and the surrounding area captures—perhaps better than any single location in the United States—the political, economic, organizational, and religious transformations of Reconstruction.[198] After the capture of Port Royal, Beaufort quickly became a place of refuge for ex-slaves from across the Low Country and Sea Islands. There and in neighboring islands, African Americans escaped to freedom, constructed agricultural communities, and built lasting political, religious, and educational institutions.

Themes: Land and Labor, African American Institution Building, Enfranchisement/New Democracy, Violence/Civil Unrest, Federal Power, Modernizing/Remaking the South

- **Robert Smalls House (NHL, 1973).** The house was home to Robert Smalls, perhaps the single-most famous political leader to emerge from Reconstruction. After living as a slave in this house, Smalls piloted the CSS *Planter* to the US blockade during the Civil War and utilized his reward to purchase the house and establish himself as a political and economic leader in Beaufort and the nation. He served on two state constitutional conventions, in the legislature, in Congress, and as the collector of customs.

- **The Penn School Historic District (NHL, 1974).** Located on Saint Helena Island near Beaufort, the school was the site of educational and religious organization among freedpeople during Reconstruction. Although few original buildings remain, the Brick Baptist Church dates to the era. Ex-slaves assumed control of the church shortly after the Battle of Port Royal, and teachers opened Penn School there in 1862.

Brick Baptist Church is a contributing resource to the Penn School Historic District, 1988. Historic American Buildings Survey/Historic American Engineering Record Collection. Courtesy of LOC P&P.

Natchez National Historical Park, Mississippi (NPS Unit, 1988). This national park unit centered on Natchez, Mississippi, includes sites that capture the end of slavery and the creation of new political, religious, and cultural communities of African Americans around Natchez. After emancipation, the town became a central hub of black political life, serving as the home base, for a time, of two nationally significant African American politicians: Hiram Revels, a minister, and the first African American US Senator, and John Roy Lynch, who held several state offices and served in the US House of Representatives. Properties that capture Reconstruction, either in national park units or in its vicinity include:

[198]The National Historic Landmark nomination for the Beaufort National Historic Landmark District dates to 1973, based on its prior listing in the National Register of Historic Places. The boundary was formally established in November 1994. The initial nomination included only information about Beaufort's antebellum history; the addendum mentions the importance of the Civil War and the postbellum era, but it leaves out most of the history of Reconstruction in the town and surroundings and would benefit from updated documentation addressing its Reconstruction associations. See: http://www.nationalregister.sc.gov/beaufort/S10817707001/S10817707001.pdf.

Themes: African American Institution Building, Enfranchisement/New Democracy

- **Dunleith (NHL, 1974).** The plantation captures both the political and economic transformations of Reconstruction. John Roy Lynch, a nationally significant African American politician and author, served as a slave at Dunleith Plantation before the Civil War. After the war, he moved to Natchez, was elected to Congress, and wrote two important books about Reconstruction.

Dunleith, Natchez, Mississippi, 1936. Courtesy of LOC HABS/HAER.

- **William Johnson House (Natchez National Historical Park, 1988).** The house currently emphasizes the extraordinary story of Johnson, a free black barber and businessman in Natchez. Given the family's occupancy during Reconstruction, the already existing interpretations of Reconstruction through the Johnson House could be expanded to show the experiences of a prominent, previously enslaved African American family.

William Johnson constructed this three-story brick structure on his mother-in-law's property after an 1840 tornado destroyed much of downtown Natchez. Courtesy of National Park Service.

- **Melrose Plantation (NHL, 1972) (NPS Unit, 1988)** captures the economic transformation of the South and the creation of new communities of freedpeople.

Charleston Historic District, South Carolina (NHL, 1960). Charleston was a center of many Reconstruction stories, showing the end of slavery, the political, religious, and educational organizations of freedpeople, and the economic modernization of the South.

Themes: Land and Labor, African American Institution Building, Modernizing/Remaking the South.

Savannah Historic District, Georgia (NHL, 1966). Savannah was a crucial site in Reconstruction, both because of the famous meeting there between Major General William T. Sherman and a group of African American ministers on January 12, 1865, and the development of a thriving, important African American religious and cultural world.

Themes: Land and Labor, Federal Power

- **Green-Meldrim House (NHL, 1976).** The house was the site of Sherman's headquarters during his time in Savannah from December 1864 to January 1865, and the site of the crucial and much-studied meeting between Sherman, Secretary of War Edwin Stanton, and black ministers that led Sherman to issue Special Field Order No. 15, which reserved land along the coasts of Georgia and South Carolina for freedpeople.

New Orleans, Louisiana. New Orleans was a central place for many of the themes of Reconstruction, including political development, violence, religious and fraternal organizations, education, and the transformation of the South.

Themes: Enfranchisement/New Democracy, Civil Unrest/Violence

United States Custom House, New Orleans, Louisiana, 2011. Courtesy of LOC HABS/HAER.

- **The United States Custom House (NHL, 1974).** The customhouse illustrates the centrality of violence to Reconstruction. It was the site where the embattled Republican government fell back for safety in a revolutionary coup attempt by the vigilante White League to overthrow the government in 1874. In the Battle of Liberty Place, the White League defeated the Metropolitan Police and inaugurated their own government, while Governor William Kellogg and loyalists huddled in the Customhouse until US forces restored order.

- **The Cabildo (NHL, 1960).** This resource illustrates the centrality of violence to Reconstruction. It was the site of a failed 1873 assault upon the Republican-supported Metropolitan police headquartered in the Cabildo by white Democratic vigilantes. Although the attack failed, it was a precursor of the Battle of Liberty Place attack the following year, described in the Customhouse entry.

Normal School, Hampton, Virginia, ca. 1887-1905. Detroit Publishing Company Collection. Courtesy of LOC P&P.

Hampton Roads, Virginia. Several National Historic Landmarks in Hampton Roads capture the end of slavery and the development of educational and family life in Reconstruction.

Themes: Land and Labor, African American Institution Building, Federal Power, Modernizing/Remaking the South

- **Fort Monroe, Hampton (City) (NHL, 1960).** Fort Monroe was the site of the famous escape of slaves from Virginia to the US lines that prompted Major General Benjamin Butler and US officials to treat them as free people and as contraband of war.

- **Hampton Institute, Hampton (City) (NHL, 1974).** Hampton University, founded in 1868 in the growing free black town of Hampton that developed on the edge of Fort Monroe, quickly became a center of African American educational life, and was the alma mater of Booker T. Washington, among many others. Among the buildings in the Hampton Institute NHL are the Mansion House, the plantation house in the area where the contraband camp developed, and Virginia Hall, an academic building constructed in 1873-1874.

The District of Columbia. Washington, DC, is already filled with landmarks and sites with recognized national significance, but it is worth emphasizing the city's significance for Reconstruction. As the center of federal power and a jurisdiction over which Congress had extraordinary authority, even ostensibly local events in Washington often took on national significance. For instance, in spring 1862 Congress passed a law ending slavery in the capital and, in quick succession, abolished the local Black Codes and established a public school system for black children. The capital became home to Howard University, perhaps the apex of black higher education in the nation, and home to a remarkable concentration of black professionals who often migrated from points south—as did black working-class people—in search of safety and opportunity. What follows is a sampling of the historic properties in Washington that tell its Reconstruction story:

Themes: African American Institution Building, Federal Power, Modernizing/Remaking the South, Enfranchisement/New Democracy

- **The United States Capitol (NHL, 1960).** The US Capitol was the site of crucial congressional debates about federal policy, including the first federal civil rights laws and the three Reconstruction amendments.

- **Andrew Rankin Memorial Chapel, Frederick Douglass Memorial Hall, Founders Library, Howard University (NHL, 2001).** The Andrew Rankin Memorial Chapel dates to 1894-95 and is among the oldest remaining edifices on campus. The current National Historic Landmark nomination includes two other buildings that post-date Reconstruction history and which are nationally significant for their role in the civil rights movement of the twentieth century.

Andrew Rankin Memorial Chapel, Howard University, Washington, DC. Photograph by Caridad de la Vega, NHL Program, December 2016.

- **General Oliver Otis Howard House, Howard University (NHL, 1974).** Built between 1867 and 1869, this was the former home of General Oliver Otis Howard, a former abolitionist who headed the Freedmen's Bureau and was later active in wars against Native Americans in the Trans-Mississippi West.

- **Blanche K. Bruce House (NHL, 1975).** This was the home of Bruce, the first African American man to serve a full term as a US senator. Bruce, originally from Virginia, had become politically powerful in Mississippi during Reconstruction. After his term in the Senate, he settled in Washington, DC. He was appointed register of the Treasury by President Cleveland and reappointed by McKinley. Many other black leaders who were politically active during Reconstruction also settled in Washington, DC, where they could hope to work for the federal government or at Howard University as professionals.

- **Mary Ann Shadd Cary House (NHL, 1976).** Cary was a leading black journalist of her era. Cary, an abolitionist before the Civil War, moved to Washington, DC, during Reconstruction, taught in the city's black public schools, and became the second African American woman to graduate from law school when she graduated from Howard University's law school in 1883.

General Oliver Otis Howard House, Washington, DC. Photograph by Caridad de la Vega, NHL Program, December 2016.

Blanche K. Bruce House, Washington, DC. Photograph by Caridad de la Vega, NHL Program, December 2016.

- **Frederick Douglass National Historic Site (NPS Unit, 1962).** Douglass was a critical voice of African American leadership during the Civil War and Reconstruction, helping to advance black civil and political rights and condemned racist violence and white indifference. He and his adult children moved to Washington in 1869 and were active in local affairs. Douglass' sons, Lewis and Frederick, were among the leading settlers in Anacostia, a neighborhood near Cedar Hill where the Freedmen's Bureau helped freedpeople purchase small plots of land.

- **Ford's Theatre National Historic Site (NPS Unit, 1970).** Ford's Theatre is the site of the April 14, 1865, shooting of President Abraham Lincoln by John Wilkes Booth, an actor and Confederate sympathizer. The site includes the boarding house where President Lincoln was taken after the incident and where he passed away in the early morning hours of April 15.

Mary Ann Shadd Cary House, Washington, DC. Photograph by Jenny Masur, NRHP, ca. 1998.

Ford's Theatre National Historic Site, Washington, DC. Photograph by Caridad de la Vega, NHL Program, December 2016.

National Historic Landmarks Located Outside Urban Areas or Historic Districts Closely Associated with Reconstruction

- **Joseph H. Rainey House, Georgetown, South Carolina (NHL, 1984).** The house captures the political transformations of Reconstruction. According to legend, this is where Joseph Rainey was born a slave. After his parents purchased his freedom, he lived in Georgetown and then was impressed into laboring for the Confederacy during the war. After the war, he returned to Georgetown and launched a political career, serving in the state senate and in the US Congress.

  Theme: Enfranchisement/New Democracy

- **Andrew Johnson National Historic Site, Greeneville, Tennessee (NPS Unit, 1935)** captures the political transformation of Reconstruction and the extension of federal power. The site was the home of Andrew Johnson, who served as military governor of Tennessee during the war, when the state abolished slavery, and then as vice president and president. As president, his veto of the Civil Rights Act of 1866, the Freedmen's Bureau extension of 1866, and the Military Reconstruction Acts, as well as his efforts to impede the military's actions on the ground in the former Confederate states, hardened Republican opposition to him, and he was the first president to be impeached, though he avoided conviction by a single vote.

  Themes: Enfranchisement/New Democracy, Federal Power

- **Jubilee Hall, Fisk University, Nashville, Tennessee (NHL, 1974)** is an example of the educational and religious transformation of Reconstruction. Built in 1876 to serve the expanding college for freedmen, it represented a turning point in the construction of permanent, imposing educational buildings in the South, and also celebrated the Fisk Jubilee Singers who toured the world raising awareness of African American life and funds for the college.

  Themes: African American Institution Building, Modernizing/Remaking the South

- **Cane River Creole National Historical Park, Louisiana (NPS Unit, 1994).** This National Park Service site includes cabins and other structures that capture the lives of ex-slaves in the years after emancipation at Magnolia Plantation. As such they provide a view into the development of sharecropping and tenancy and the economic transformation of Reconstruction, as well as family formation among African Americans.

  Themes: African American Institution Building, Modernizing/Remaking the South

- **Stone Hall, Atlanta University, Atlanta, Georgia (NHL, 1974).** Stone Hall, on the grounds of Morris Brown College, is an emblem of the extraordinary growth of higher education for African Americans in Atlanta. Five colleges in this area—Morehouse, Clark, Atlanta, Spelman, and Morris Brown–were founded either at the end of the Civil War or in the decades following. Since, Clark and Atlanta have subsequently merged into Clark Atlanta University.

Themes: African American Institution Building, Land and Labor, Modernizing/Remaking the South

- **Oakland Memorial Chapel, Alcorn State University, Alcorn, Mississippi (NHL, 1976).** The chapel dates to 1838 and is now the oldest building on Alcorn State's campus. Alcorn University is significant as an early public university founded for African American students; it was the first such college to receive federal land grant funds. Established in 1871 by a Republican-led state legislature, its first president was Hiram Revels, the first African American US senator.

  Themes: African American Institution Building, Land and Labor, Modernizing/Remaking the South, Federal Power

- **Camp Nelson Historic and Archeological District, Jessamine County, Kentucky (NHL, 2013).** This cemetery captures the end of slavery and the development of African American communities and the expanded role of the federal government. Begun as a hospital and training center in 1863, by 1864 it was the largest training ground for US Colored Troops in Kentucky, where more than 20,000 former slaves enlisted and obtained freedom for themselves and their families. The camp became a refugee center for about 3,000 freedpeople during the war, and included schools and homes. After the US Army closed the camp in 1866, the Freedmen's Bureau and the American Missionary Association ran schools on the site. Although only the Oliver Perry House, used as Quartermaster and Commissary offices, remains intact, the site includes both the national cemetery and a cemetery for the refugee camp.

  Themes: African American Institution Building, Federal Power

National Historic Landmarks Study List

Properties on this study list appear to have strong associations with the Reconstruction era, and this study recommends that they be evaluated to determine their relative significance and integrity for National Historic Landmark nomination. As noted in the registration guidelines, all evaluations must develop a full context associated with their respective significance, assess high integrity, and compare the subject property with others that share the same significance. Each entry indicates a property's integrity to the extent known at the time of this study. Future evaluation may reveal that a property did not have, or has since lost, the high degree of integrity required for landmark consideration.

Sites Located in Urban Areas or Historic Districts Closely Associated with Reconstruction

Beaufort, South Carolina, National Historic District and surrounding area.

(See previous general description)

Themes: African American Institution Building, Federal Power, Violence/Civil Unrest

- **Beaufort Arsenal.** The arsenal, constructed in 1852, housed the county militia, some Civil War-era training, and other related activities. It also housed weapons for three consecutive political regimes: the Confederacy and postwar government, Republicans, and Democratic "redeemers." Beaufort Arsenal is the site of drilling and weapon storage that reflects the militarized tenor of South Carolina politics of the era.

Beaufort Arsenal, South Carolina, August 14, 2014. Courtesy of Beaufort History Museum.

- **University of South Carolina Beaufort, Beaufort College Building.** The building served various functions during the Civil War and Reconstruction.

- **Mitchelville Freedom Park, Hilton Head, South Carolina.** This local park located near Beaufort, though beyond the National Historic Landmark historic district, captures the political, familial, and organizational transformation of Reconstruction. On this site, freedpeople established what may have been the first self-governing community of ex-slaves. Although no buildings remain above ground, some archeological research has been undertaken.

- **Camp Saxton Site, US Naval Hospital (NRHP, 1995).** This site was the location of a US Army camp for the First South Carolina Volunteers in 1862-1863. This was the location of perhaps the single-most famous public reading of the Emancipation Proclamation on January 1, 1863.

- **The Old Beaufort Custom House.** The custom house was an important site of federal power, particularly after the Democratic Party regained control in the state governments and the democratic experiment came to an end. Robert Smalls worked in that custom house, reflecting the continuing significance of federal-level Republican Party patronage for elite African Americans.

- **Beaufort National Cemetery.** The cemetery includes more than 18,500 interred soldiers, including members of the 54th Massachusetts Infantry and 1870 monuments and group tombs honoring US troops buried there.

Natchez National Historical Park.

(See previous general description)

Themes: Land and Labor, African American Institution Building

- **China Grove Plantation (NRHP, 1980).** The plantation demonstrates the economic development of both the South generally and of freedpeople specifically, as it is among the few intact plantation homes that was owned by former slaves in the Reconstruction period. August and Sarah Mazique lived as slaves nearby and later bought China Grove at auction in 1869. Family members lived there until 1980.

China Grove Plantation, Natchez, Mississippi. NRHP photograph, 1982.

- **Zion Chapel AME Church.** The church captures the religious and political transformation of Reconstruction. The church, built in 1858, was sold by the Presbyterians to the African Methodist Episcopal Church in 1866. Hiram Revels, Zion Chapel's first minister, quickly became the first African American elected to the US Senate, and the church has remained a fixture of Natchez's religious and political life ever since.

Savannah Historic District, Georgia.

(See previous general description)

Theme: African American Institution Building

- **First African Baptist Church.** Evolved from the first black Baptist church established in the United States and continues to utilize the sanctuary completed in 1859. Ministers and parishioners played important roles in shaping educational, cultural, and political developments during Reconstruction in Savannah.

First African Baptist Church, Savannah, Georgia, 2009. Courtesy of KudzuVine, Wikimedia Commons.

New Orleans National Historic District.

(See previous general description)

Themes: Federal Power, African American Institution building, Enfranchisement/New Democracy

- **Thornhill House.** The house was constructed in 1847 and owned by a cotton factor before the Civil War. Upon the occupation of New Orleans by the US Army, the house was confiscated and used as the headquarters of the Freedmen's Bureau, under the orders of Major General Benjamin Butler. From this location, the bureau administered the creation of schools for freedpeople, as well as other functions. The house was returned to its prior occupants after the war in 1866.

- **St. Augustine Catholic Church.** This structure dates to 1842. The church was a place of worship for most of the city's free creole elite before and after the war. The creole elite made a significant contribution to black leadership during and after the Civil War.

- **LaLaurie House.** Currently known as a site of the torture of slaves, it was used as an integrated high school in the early 1870s. New Orleans was the only city known to have undertaken an experiment in desegregated public education (although Washington, DC, came close), and therefore this site might be considered for further study.

LaLaurie House, New Orleans, Louisiana, 2009; Courtesy of Dropd, Wikimedia Commons, License: CC BY-SA 3.0.

- **Straight University Boarding House and Dining Hall (NRHP, 2011).** Although the building dates to 1866, the university was founded in 1868 with support from the American Missionary Association. As with other similar schools, including Howard University, the goal at first was to educate blacks and whites together, and many early graduates were in fact white. Straight University had a law department from 1874 to 1886, and many of its graduates were involved in civil rights struggles. For example, 1876 Straight University Law School graduate Louis André Martinet published *The Crusader,* a civil rights daily, co-founded the Comité des Citoyens (Citizens' Committee), and played a significant role in the *Plessy v. Ferguson* landmark Supreme Court case.

Sites Located Outside Urban Areas or Historic Districts Closely Associated with Reconstruction

- **Thomas Woodrow Wilson Boyhood Home, Columbia, South Carolina (NRHP, 1972).** This site was occupied by Wilson's family during Reconstruction, and captures the modernization of the South and the political transformation of Reconstruction. It is now utilized as a museum of Reconstruction in Columbia and Richland Counties by the Historic Columbia Foundation.

  Theme: Modernizing/Remaking the South

- **St. Luke Building, Richmond, Virginia.** The St. Luke Building served as the headquarters for the Independent Order of St. Luke (IOSL) and its various associated businesses, including the St. Luke Penny Savings Bank. Lead by the visionary Maggie Walker, the Independent Order of St. Luke had a membership of 100,000 in twenty-four states at its height. Maggie Lena Walker was the first American woman to found a bank, Richmond Consolidated Bank and Trust. During her leadership of the IOSL Maggie Walker became one of the wealthiest and highest paid African American women of her time while the Independent Order of St. Luke became one of the most important black financial organizations in the nation. In 2008, the National Historic Landmarks Program initiated the process of nominating the building as an NHL under Criteria 1 and 2. The nomination was never finalized.

  Themes: African American Institution Building, Modernizing/Remaking the South

- **Shockoe Bottom, Richmond, Virginia.** This resource captures Reconstruction's transformative impact on places formerly associated with slavery. In the antebellum era, many in Richmond profited from the sale, detention, rental, and transport of slaves into the Lower South. The notorious Lumpkin's Jail complex, located in Shockoe Bottom, detained enslaved men and women before they were sold or transported further south. After emancipation, the complex briefly served as the site of the Colver Institute, a school to train African Americans for the Baptist ministry. Established in 1867 by an abolitionist minister, it operated out of this location until 1870, when it outgrew the space. In 1899 the institute became Virginia Union University, which continues to thrive as a historically black institution of higher education in Richmond. A 2008 archeological excavation identified intact features and artifact deposits with a high degree of integrity related to the Lumpkin's Jail complex buried nearly 15 feet below the surface. The property is currently under consideration as a National Historic Landmark.

  Themes: African American Institution Building, Modernizing/Remaking the South

- **Bennett College Historic District, Greensboro, North Carolina (NRHP, 1992).** This historically black women's liberal arts college was founded in Greensboro in 1873 as a coeducation normal school. Among its founders was Reconstruction politician and novelist Albion W. Tourgée.

  Themes: African American Institution Building, Modernizing/Remaking the South

- **City Hall/Thalian Hall, Wilmington, North Carolina (NRHP, 1970).** These two buildings are historically important sites for the role of violence in Reconstruction. At Thalian Hall, Democrats gathered after the infamous White Supremacy election of 1898 while at City Hall they deposed the biracial city government in a coup d'etat, launching a campaign of terror across the city. Two years later North Carolinians disenfranchised most African Americans. The building was previously considered for its architecture in the late 1960s, but its architecture alone was not sufficiently significant to merit designation.

  Themes: Enfranchisement/New Democracy, Civil Unrest/Violence

- **Caswell County Courthouse, Yanceyville, North Carolina.** The courthouse is a historically important site for the role of violence in Reconstruction. In May 1870, Republican state senator John Stephens, a former Freedmen's Bureau agent and Union League leader, was murdered in the basement as the county Democrats held a convention upstairs. Stephens' murder, along with the killing of other central North Carolinians like the town of Graham's constable Wyatt Outlaw, was a high point of Ku Klux Klan activity, and prompted the state governor to declare martial law over part of the state, eventually leading to his impeachment.

  Themes: Enfranchisement/New Democracy, Civil Unrest/Violence

- **George White House, Tarboro, North Carolina (NRHP, 1980).** The house, a contributing resource to the Tarboro Historic District, illustrates the political transformation of Reconstruction. Leaving Congress in 1901, White was the last African American congressman from the South until the 1970s. White delivered a famous speech on the growth of African American commercial and educational life in the South. It closed with a promise that African American political power would reemerge "phoenix like" and "rise up some day and come again."

  Themes: Enfranchisement/New Democracy, Civil Unrest/Violence

- **Promise Land School, Charlotte, Tennessee (NRHP, 2007).** The community of Promise Land illustrates the educational and community transformation of Reconstruction. From 1870 onward, the area became a center of efforts to build new free African American communities and the site of a construction boom of houses, churches, and schools.

  Themes: Land and Labor, African American Institution Building

- **Beale Street Historic District, Memphis, Tennessee (NHL, 1966).** Beale Street reveals the cultural and political transformations of Reconstruction. During the Civil War, ex-slaves from across the Mississippi Valley fled to Memphis after the US Army occupied the city. As its African American population grew, it became a center for black cultural and economic life, reflected in the development of Beale Street in the later decades of the nineteenth century. At the same time, the Memphis Massacre of 1866, near Fort Pickering, was one of the starkest examples of violence against freedpeople. The current

National Historic Landmark designation focuses on early twentieth century events and the history of music, but new investigations would likely reveal the area as a site of national importance for Reconstruction.

Themes: Land and Labor, African American Institution Building, Civil Unrest/Violence

- **Ransom and Sarah Williams Farmstead, Travis County, Texas.** The farmstead represents the economic transformation of Reconstruction. It is the site of a 45-acre farm owned and operated by two former slaves from 1871 until the end of the century.

  Theme: Land and Labor

- **Union Bank Museum, Tallahassee, Florida (NRHP, 1971).** The bank represents the economic transformation of Reconstruction. This 1841 building was the site of the Union Bank, a planter-backed bank that failed in 1843. The building reopened in 1868 as the National Freedmen's Savings and Trust Company, serving ex-slaves in the region, and later housed churches and businesses. Currently, it houses special exhibits from the Florida A&M University Black Archives. The building was relocated and restored in the 1970s, and would require consideration under National Historic Landmark Criteria Exception 2.

  Themes: Land and Labor, African American Institution Building, Federal Power, Modernizing/Remaking the South

- **Mound Bayou, Mississippi.** The community of Mound Bayou represents the transformation of black community development in Reconstruction. Founded by Isaiah Montgomery and other former slaves of the Davis Bend plantation, it became a model of black political and economic development after the Civil War. Most buildings seemingly postdate the theme study's time period. Mound Bayou is associated with the Historic Black Towns and Settlements Alliance (HBTSA), a "coalition of Southern municipalities founded by and for African Americans before or during the Reconstruction Era." The I. T. Montgomery House (NHL, 1976), which was Montgomery's residence from 1910 to 1924, is located in Mound Bayou.

  Themes: Land and Labor, African American Institution Building

- **Josephine City Historic District, Berryville, Virginia (NRHP, 2015).** This community exemplifies collective land-buying and community building by freedpeople. Created in 1870 by a group of former slaves who purchased land from a white plantation owner, the community stood apart from the neighboring town of Berryville until the second half of the twentieth century. A school, a church, several homes, and a fellowship hall date to the 1880s and 1890s.

  Themes: Land and Labor, African American Institution Building, Modernizing/Remaking the South

- **Cooper's Academy, Cades, South Carolina.** This private school in Williamsburg County, South Carolina, was established at the beginning of the twentieth century. It was founded by African American South Carolinians near the Bethesda Methodist Church, established in 1879.

  Themes: African American Institution Building, Modernizing/Remaking the South

Properties Removed from Further Study

This category describes places associated with events that no longer exist, or that lack the high integrity needed for landmark designation. It also lists events for which no property has been located. Events having no associated property are included for the benefit of future researchers.

- **Colfax Courthouse and Square, Louisiana.** The courthouse represents the violent overthrow of African American political power. The Colfax massacre on Easter, April 13, 1873, was an organized effort by white vigilantes to drive the biracial county government from power. In the assault and subsequent massacre, perhaps 150 African Americans died. The vigilantes the next year helped form the White League organization that attacked Reconstruction throughout Louisiana. The *Civil Rights in America: Racial Voting Rights in America National Historic Landmark Theme Study* studied the Colfax Courthouse and Square for its historic association with the US Supreme Court case *US v. Cruikshank* (1876), which found that only state officials could be prosecuted for civil rights violations. For decades, the decision restricted the federal government from prosecuting those who perpetrated vigilante violence against blacks who attempted to register to vote. The courthouse is no longer extant.

  Themes: Enfranchisement/New Democracy, Civil Unrest/Violence, Federal Power

- **Emanuel AME Church, Charleston, South Carolina.** A contributing resource to the Charleston Historic District, it represents the religious transformation of Reconstruction. This building, constructed in 1891, replaced an 1872 structure that served an African American religious community that had met secretly until the end of the Civil War. With Reconstruction the church was able to establish itself openly, once again, as it had before it was outlawed in the 1830s. Its first pastor, Richard Cain, served not only as a religious but a political leader and was elected to the South Carolina Senate and the US Congress. The church does not retain integrity for consideration as a National Historic Landmark under this theme study. Events associated with Reconstruction at the church predate the existing building's construction in 1891.

Further Studies

The era of Reconstruction has some characteristics that distinguish it from other subjects of National Historic Landmark theme studies. The era was defined by events and persons of national importance, but it was also characterized by dramatic changes in the lived experiences of everyday people. The outcomes of the vast political and social mobilization of the era of Reconstruction remain visible across the landscape, particularly in the existence of African American schools and churches, and in some places as remnants of freedpeople's communities.

Most of the sites of national significance noted in this study are in southern cities with existing historic districts. In most cases, these districts were not created with Reconstruction in mind, and yet nationally significant Reconstruction histories can be told there. The focus on cities, however, may detract from the fact that some of the greatest changes and greatest struggles of Reconstruction occurred in rural areas, in hamlets, and in courthouse towns. The survey conducted for this study generated hundreds of suggestions of extant buildings dating to the antebellum period and the Reconstruction era whose history could help tell the day-to-day story of this dynamic period. There were many more than could reasonably be evaluated for potential national significance as part of this theme study. In light of the six Reconstruction themes, the most significant of these are African American churches, freedpeople's schools, and county courthouses and state capitols. Within each category, nationally significant properties may exist that are eligible for designation as National Historic Landmarks, but further studies are necessary to identify these properties, compare them to one another, and establish their historical significance at a national level.

Conducting further comparative studies of properties outside of the urban areas and historic districts of southern cities is recommended. Such studies would establish the applicable themes and subthemes, historic contexts, and periods of significance for groups of related resources, and the identification and definition of specific property types and associated registration requirements for these resources. For National Historic Landmarks, this approach may help to facilitate the identification and designation of distinct, but contextually related properties possessing national significance by offering comparison of related properties, as well as the identification of resources that together may be considered nationally important.

The following are those groups of identified property types related to Reconstruction that may benefit from further study.

Independent African American Churches. The establishment of independent black churches was one of the signal developments of this period. Such churches were highly significant both as religious institutions and as centers of black political and community mobilization. Many southern African American congregations date back to the immediate post-Civil War years. In some cases, original church buildings from the period are no longer extant; in other cases, extant buildings that house black churches predate the Civil War but had significant Reconstruction histories. In still other cases, buildings date to the period under study (1861 to 1900).

Schools for African American Children. The freedmen's education movement was another crucial feature of this period. The movement generated a range of educational institutions,

ranging from tiny one-room schoolhouses designed for early learners to institutions of higher education meant for the training of teachers, doctors, lawyers, and other professionals. Across the South, many buildings are still extant. At some sites of colleges and universities, most or all of the original buildings are no longer extant, but at many others, one or more original buildings still remain.

State capitols, county courthouses, homes of African American politicians and other community leaders. Resources where African Americans registered to vote or voted for the first time have not been identified to date. Yet many extant sites relate to black men's enfranchisement, the new possibility of interracial political alliances, new state constitutions and new kinds of legislation, and political violence.[199]

- Most historic state capitols were sites where black men first held political office and where legislatures and constitutional conventions debated new laws, whether under Republican-led Reconstruction or during the period of Democratic rule that followed. Some capitols were also the scenes of violent efforts to end the Reconstruction experiment in biracial democracy.

- One of the signal responses to African Americans' entry into formal politics was political violence and intimidation perpetrated by whites. Many existing public buildings, particularly county courthouses, were sites of struggle for control of local affairs and were therefore places where whites used violence and threats of violence in their efforts to take control of their communities.

- The study mentions a few homes of black politicians as nationally significant, but the homes of numerous other black politicians and community leaders of the era are preserved across the South, and these too, are worth considering for their Reconstruction significance.

[199]The National Historic Landmarks theme study *Civil Rights in America: Racial Voting Rights* (https://www.nps.gov/nhl/learn/themes/CivilRights_VotingRights.pdf) includes a discussion of voting rights in the postbellum era, 1865 to 1900, in particular, see pp. 4-14.

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G. APPENDIX

TIMELINE

1861

- **May 23** – Major General Benjamin Butler refuses to return three fugitive slaves who seek shelter with the Union Army, declaring them "contraband of war."
- **August 6** – First Confiscation Act nullifies owners' claims to fugitive slaves who had been employed in the Confederate war effort.
- **September 11** – President Lincoln revokes Major General John C. Frémont's unauthorized military proclamation of emancipation in Missouri.
- **November 3–7 –** A joint US Navy and Army force captures Port Royal Sound on the coast of South Carolina. White inhabitants flee, leaving their plantations to the formerly enslaved population that begins attempting to create its own economic and political institutions on the Sea Islands, thus ushering in a "Rehearsal for Reconstruction."

1862

- **March 13** – Congress adopts an additional article of war forbidding members of the US Army and Navy from returning fugitive slaves to their owners.
- **April 3** – Major General David Hunter, US commander in the South Carolina Sea Islands, requests permission to arm black men for military service; receiving no response, he begins recruiting on his own authority in early May, but the War Department refuses to pay or equip the regiment and Hunter is therefore compelled to disband it.
- **April 16** – Congress abolishes slavery in the District of Columbia, with compensation to loyal owners, and appropriates money for the voluntary removal ("colonization") of former slaves to Haiti, Liberia, or other countries. In Washington, DC, some African Americans prepare to leave while others protest removal and argue that they should stay and fight for freedom and equal citizenship in their native land, the United States.
- **May 9** – Major General David Hunter declares free all slaves in South Carolina, Georgia, and Florida.
- **May 12** – Robert Smalls, with seven other slaves, steals the CSS *Planter* and sails it out of Charleston Harbor to surrender to the US fleet. With his reward from the US government, Smalls will eventually purchase his former master's house in Beaufort, South Carolina.

- **May 19** – President Lincoln issues a proclamation nullifying Major General Hunter's emancipation edict and urging the border states (Kentucky, Missouri, Maryland, and Delaware) to embrace gradual, compensated emancipation. State political leaders reject his suggestion.

- **June 19** – Congress passes a law prohibiting slavery in the western territories.

- **July 17 –** Congress passes the Second Confiscation Act, which frees the slaves of persons engaged in or assisting the rebellion and provides for the seizure and sale of other property owned by disloyal citizens.

- **July 17** – The Militia Act provides for the employment of "persons of African descent" in "any military or naval service for which they may be found competent," granting freedom to slaves so employed (and to their families if they belong to disloyal owners).

- **August 22** – In New Orleans, Major General Benjamin F. Butler incorporates into US forces several "Native Guard" units composed of free black soldiers; soon thereafter he begins recruiting both free black and ex-slave men for additional regiments.

- **August 25** – After having withheld its permission for months, the US War Department authorizes recruitment of black soldiers in the South Carolina Sea Islands.

- **September 22** – President Lincoln issues Preliminary Emancipation Proclamation; it announces that all slaves in those states or portions of states still in rebellion as of January 1, 1863, will be declared free, pledges monetary aid for slave states not in rebellion that adopt either immediate or gradual emancipation, and reiterates support for the colonization of freed slaves outside the United States.

- **October 29 –** The First Kansas (Colored) Regiment defeats a much larger Confederate force at Island Mound, Missouri; the first engagement in which black US soldiers participated.

- **December 23** – Confederate President Davis issues proclamation ordering that black US soldiers and their officers captured by Confederate troops are not to be treated as prisoners of war; instead, they are to be remanded to Confederate state authorities who treat them as forced laborers or returned slaves.

1863

- **January 1** – Lincoln issues Emancipation Proclamation; it declares free all slaves in the Confederate states (except Tennessee, southern Louisiana, and parts of Virginia) and announces the United States' intention to enlist black soldiers and sailors.

- **May 22** – US War Department creates Bureau of Colored Troops.

- **Late May-June –** Black soldiers play important roles in battles at Port Hudson and Milliken's Bend, Louisiana. Soldiers of the 54th Massachusetts Infantry under Colonel Robert G. Shaw assault Fort Wagner, South Carolina. Colonel Shaw and nearly half the six hundred men in the regiment are killed.

- **July 30** – President Lincoln pledges that US soldiers, black or white, are entitled to equal protection if captured by the enemy and threatens retaliation for Confederate enslavement of black prisoners of war.

- **August 10** – The president meets with abolitionist Frederick Douglass who pushes for full equality for the United States' black troops, who at the time are being paid less than white counterparts.

Post-war soldier, ca. 1865-70. Gladstone Collection of African American Art. Courtesy of LOC P&P.

- **October 3** – US War Department orders full-scale recruitment of black soldiers in Maryland, Missouri, and Tennessee, with compensation to loyal owners for lost labor.

- **December 8** – President Lincoln announces the "Proclamation of Amnesty and Reconstruction." It offers pardon and restoration of property — except slaves — to Confederates who swear allegiance to the United States and agree to accept emancipation. Known as the 10 Percent Plan, it requires only 10 percent of a former Confederate state's voters to pledge the oath before the state can begin the process of readmission into the Union.

1864

- **March 16** – New Arkansas state constitution, which abolishes slavery, is ratified by pro-Union voters, though parts of Arkansas remain under rebel control.

- **April 12** – Confederate troops under Major General Nathan B. Forrest massacre black soldiers captured at Fort Pillow, Tennessee.

- **June 15** – Congress makes pay of black soldiers equal to that of white soldiers.

- **September 5** – New Louisiana state constitution, which abolishes slavery, is ratified by pro-Union voters.

- **October 4-7 –** Black leaders at a convention in Syracuse, New York, form the National Equal Rights League and call for the creation of state and local organizations to press for civil rights. Local branches, especially in Philadelphia, fight against streetcar and school segregation. Philadelphia leader Octavius Catto is later murdered in an election-day

attack by Democrats in Philadelphia. National leader John Mercer Langston will go on to found Howard University's law school, serve as US minister to Haiti, and gain election to Congress.

- **November 1** – New Maryland state constitution, which abolishes slavery, takes effect, having been ratified in October.

1865

- **January 9** – About sixty black Tennesseans petition the state Union Convention to extend the vote to black men on the grounds that "colored men have been faithful and true to the Government of the United States."

Plowing in South Carolina, October 20, 1866. Sketch by James E. Taylor. Courtesy of LOC P&P.

- **January 11** – Missouri state constitutional convention abolishes slavery.

- **January 16** – Sherman Special Field Orders, No. 15 confiscates 400,000 acres of land along the Atlantic Coast of South Carolina, Georgia, and Florida, to be divided into forty-acre parcels distributed to 18,000 freed slave families. African American families begin constructing their own farms and rebuilding communities shattered by slavery and the war. In the fall of 1865, President Andrew Johnson will revoke the order, reestablishing former owners' right to the land.

Scene in the House on the Passage of the Proposition to Amend the Constitution, January 31, 1865. Harper's Weekly 9, no. 425 (February 18, 1865): 97. Courtesy of LOC P&P.

- **January 31** – Congress passes Thirteenth Amendment, which is sent to the states for ratification.

- **February 22** – Amendment to Tennessee state constitution abolishes slavery.

- **March 3** – Congress approves a joint resolution liberating the wives and children of black soldiers.

- **March 3** – Congress creates the Bureau of Refugees, Freedmen, and Abandoned Lands (Freedmen's Bureau) and grants its agents authority to regulate labor contracts, distribute rations, and encourage the development of schools and hospitals. The act also authorizes the distribution of "not more than forty acres" of confiscated land to all loyal freedmen and refugees.

- **March 13** – Confederate Congress authorizes President Jefferson Davis to recruit slave men as soldiers, with the permission of their owners. The Confederate War Department issues order governing the enlistment on March 23, but the new law comes into effect only weeks before the collapse of the Confederate armies renders it meaningless.

- **April 9** – Confederate General Robert E. Lee surrenders his army at Appomattox Court House, Virginia.

- **April 11** – In what will be his final address, President Lincoln calls for the extension of the vote to black soldiers and educated black men in Louisiana's new government. This is his first public statement in favor of African American voting.

- **April 14** – Outraged by Lincoln's suggestion of black suffrage, John Wilkes Booth, a longtime supporter of the Confederacy, shoots the president in Ford's Theatre. Lincoln dies the next morning.

- **April 15** – Vice President Andrew Johnson is sworn in as president; era of Presidential Reconstruction begins.

- **May 29** –President Johnson's "Proclamation of Amnesty and Reconstruction" grants "to all persons who have, directly or indirectly, participated in the existing rebellion, except as hereinafter excepted, amnesty and pardon, with restoration of all rights of property, except as to slaves." Johnson's policy effectively negates the Freedmen's Bureau's "forty-acre" plan. Johnson also begins issuing proclamations that empower temporary governments in rebel states to call constitutional conventions. The states' white male voters will elect delegates to the conventions, whose job it is to reestablish state governments.

- **August, September, October, and November** – Black conventions meet across the South, in cities such as Alexandria, Virginia; Raleigh, North Carolina; and Charleston, South Carolina, to call on the state constitutional conventions and legislatures to provide basic civil rights for former slaves. Their petitions are generally ignored.

- **November 24** – Mississippi legislature passes "An Act to Confer Civil Rights on Freedmen," the first of the Black Codes in former Confederate states. The Mississippi laws bind African Americans to annual work contracts, forbid interracial marriage, prohibit African Americans from carrying weapons or buying liquor, and ban them from renting or leasing land in rural areas and from holding certain professions. Violators of the act are defined as "vagrants" and may be punished by fine, imprisonment, or forced labor. South Carolina, Louisiana, Florida, North Carolina, Texas, Tennessee, and Kentucky pass similar legislation in 1865 and 1866.

- **December 1** – Raleigh Institute, later renamed Shaw University, is founded in Raleigh, North Carolina, as the first black college in the South. The school was open to black men and women and would eventually offer graduate training in teaching, medicine, and law.

- **December 6** – The Thirteenth Amendment to the US Constitution, which prohibits slavery or involuntary servitude, is ratified.

- **Late December** – Women's rights activists including Elizabeth Cady Stanton, Susan B. Anthony, and Lucy Stone petition Congress to include voting rights for women in a new constitutional amendment. To their dismay, the second section of the Fourteenth Amendment would allude to voting rights for men, not universal suffrage. In the coming months, the women's rights movement will fracture as one faction denounces Reconstruction in increasingly racist terms and another is more accepting of African American men's new right to vote.

1866

- **February 19** – President Andrew Johnson vetoes a bill that would extend the Freedmen's Bureau indefinitely.

- **April 9** – The Civil Rights Act of 1866, passed by Congress over Johnson's presidential veto, declares that all people born in the United States (excluding "Indians not taxed") are citizens of the United States and entitled to the same rights and privileges, regardless of race or previous condition of servitude. The Civil Rights Act was designed to create a national standard of citizenship and basic civil rights and to invalidate racially discriminatory Black Codes passed by the states.

- **May 1–3** – Memphis Massacre. After a shooting altercation between white policemen and black soldiers recently mustered out of the US Army, mobs of white civilians and policemen rampaged through black neighborhoods. Some forty-six blacks and two whites were killed, five black women raped, and ninety-one homes, four churches, and eight schools burned in the black community.

- **May 10** – At a women's rights convention in New York, poet and activist Frances Ellen Watkins Harper, an African American, reminded her white colleagues that voting rights for women would do little to end the racial discrimination that black men and women faced every day.

- **May or June 1866 –** Six white Confederate veterans found the Ku Klux Klan in Pulaski, Tennessee, to fight against black political and economic power.

- **June 13** – Congress passes the Fourteenth Amendment, designed to make permanent the principles of the Civil Rights Act. The Amendment establishes the terms of US citizenship, promises due process to all persons, and provides equal protection under the laws. It also nudges rebel states to enfranchise black men or lose representation in Congress and bars the payment of Confederate debts.

- **July 16** – Congress overrides President Johnson's veto and passes the Second Freedmen's Bureau Bill. The bill gives Freedmen's Bureau agents power to intervene to protect freedpeople and renegotiate labor contracts. Responding to ongoing violence and discrimination against freedpeople in the states, the law provided that former slaves were

entitled to "any of the civil rights or immunities belonging to white persons, including the right to.....inherit, purchase, lease, sell, hold and convey real and personal property, and to have full and equal benefit of all laws and proceedings for the security of person and estate, including the constitutional right of bearing arms."

- **July 21** – Southern Homestead Act of 1866 opens 46 million acres of federal land in Alabama, Arkansas, Florida, Louisiana, and Mississippi. African Americans are granted priority access until January 1, 1867, although a lack of agricultural resources (seeds, tools, and farm animals), the poor quality of most of the land, and harassment by whites made it difficult for former slaves to take advantage of this opportunity. The law was repealed in June 1876.

- **July 24** – Tennessee is readmitted to Congress after having endorsed the Fourteenth Amendment.

- **July 28** – Act of Congress creates six African American regular army units, soon known as the "Buffalo Soldiers," making black soldiers a fixture in the American military.

- **July 30** – New Orleans massacre. Freedpeople and white Republicans, disgusted by the state's efforts to restrict black rights, try to reconvene the state's constitutional convention. Encouraged by the city police, a mob of 1,500 whites assaults black veterans on parade, then charges inside the Mechanics Institute where the convention was to begin. Police beat a former governor senseless, and the crowd kills at least forty people, mostly black men. Although violent attacks on freedpeople were increasingly common, the large scale and public nature of the New Orleans attack makes the violent conditions in the South clear for the first time to many white Northerners.

- **October and November** – In mid-term elections, white Northerners overwhelmingly vote for the Republican Party in congressional races and against President Johnson's failed attempt to create an anti-Reconstruction party. With public opinion now behind them, congressional Republicans decide to move to enfranchise black men in the rebel states.

1867

- **February 14** – Augusta Institute, now known as Morehouse College, is founded in the basement of Springfield Baptist Church in Augusta, Georgia.

- **March 2** – Congress passes the first of the Reconstruction Acts over President Johnson's veto. This bill places the rebel states, except for Tennessee, under five military districts, where commanding generals will oversee the registration of black men and the creation of new biracial state constitutional conventions and governments that will be required to pass the Fourteenth Amendment to return to the Union.

- **March 2** – Howard University is founded in Washington, DC, named after Major General Oliver O. Howard, Commissioner of the Freedmen's Bureau.

- **Spring and summer 1867 –** Throughout the former Confederacy, African Americans mobilize to vote for the first time for delegates to constitutional conventions. Itinerant speakers, both black and white, travel across the South, stopping in small towns and on rural plantations to discuss voting and citizenship with newly enfranchised former slaves. African Americans become a powerful new force in electoral politics both in the South and in the nation as a whole.

- **Fall (into winter 1867–1868) –** A new round of constitutional conventions meet in most ex-Confederate states. Delegates to these conventions have been chosen by electorates composed of both black and white men. The state constitutions they create contain provisions that establish public schools for black and white children and include laws that favor debtors over creditors, working people over plantation owners. Many also forbid racial discrimination in public places including streetcars and hotels.

- **October 2** – Storer College founded by New England Freewill Baptist missionaries for students of all races and both sexes in Harpers Ferry, West Virginia.

1868

- **February 24** – House of Representatives votes to impeach President Andrew Johnson.

- **April 1** – Hampton Institute founded in Hampton, Virginia.

- **May 26** – Senate acquits President Andrew Johnson in his impeachment trial by one vote.

- **June 22-July 14** – The reconstructed states of Alabama, Arkansas, Florida, Louisiana, North Carolina, and South Carolina are readmitted to the Congress. All have state constitutions that enfranchise black and white men. The army begins dismantling most of the Reconstruction military districts in the South and returning the region to civil rule.

- **July 9** – Fourteenth Amendment ratified.

- **September –** As the 1868 campaign season unfolds, white Southerners resort to assault and murder to suppress the black vote. On September 19, between eight and twelve blacks are killed and more than thirty wounded, in Camilla, Georgia, when whites assault a Republican rally. On September 28, white Democratic attackers left dozens of black men dead in Opelousas, Louisiana; estimates of the dead ranged from 52 to 227.

- **November 3** – Ulysses S. Grant wins the presidential election.

1869

- **February 26** – Congress passes Fifteenth Amendment barring states from excluding voters based on race or previous condition of servitude.

- **October 4** – Democratic Party reestablishes control of Tennessee.

- **October 5** –Democrats and conservative Republicans carry the elections in Virginia, which had been held under military rule, making it the only rebel state never to have a Republican government during Reconstruction.

- **December 10 –** The western territory of Wyoming grants women the right to vote.

1870

- **January 26** – Virginia readmitted to Congress.

- **February 3** – Fifteenth Amendment ratified.

- **February 23** – Mississippi readmitted to Congress.

- **February 25** – Hiram Rhodes Revels of Mississippi becomes the first African American US senator.

- **March 30** – Texas readmitted to Congress.

The Fifteenth Amendment, ca. 1870. Lithograph by Thomas Kelly. Courtesy of LOC P&P.

- **May 31** – In response to the terror tactics of the Ku Klux Klan, Congress passes the First Enforcement Act, which bans the use of terror, force, or bribery to prevent people from voting because of their race, and gives the president full authority to use the US armed forces to enforce the act.

- **July 11** – Congress passes Naturalization Act that permits Africans and people of African descent to become naturalized US citizens. Western senators block amendments that would have extended the same right to Asians.

- **July 15** – Georgia readmitted to Congress, the last former Confederate state to be readmitted. With the seating of Georgia's first senator in February 1871 and the dismantling of the military district in Georgia that spring, war powers come to a close.

- **Fall –** Former slave and US Army veteran Henry Adams forms "The Committee" of five hundred black veterans to collect information about violence and fraud across the South, in hopes of finding a safe place for black people to move. In November, when Adams votes for the first time, whites threaten to kill him.

- **November 28** – Democratic Party reestablishes control of the North Carolina legislature.

- **December 12** – Former slave Joseph Rainey of South Carolina becomes first black member of US House of Representatives.

- **December 16** – Colored Methodist Episcopal Church is founded.

1871

- **Jan. 11 –** Victoria Woodhull is the first woman to address a committee of Congress when she and other women meet with the House Judiciary Committee to argue that the federal government should guarantee women's right to vote. The following year, Woodhull will become the first woman to run for president of the United States.

- **February 28** – Second Enforcement Act permits federal oversight of local and state elections if any two citizens in a town with more than twenty thousand inhabitants desire it. The act primarily applies to northern cities, especially New York, the site of many enforcement cases over the next decades.

- **March –** Rioting whites kill thirty blacks in Meridian, Mississippi.

- **April 20** – Civil Rights Act of 1871, sometimes known as the Third Enforcement Act or the Ku Klux Klan Act, makes state officials liable in federal court for depriving anyone of their civil rights or the equal protection of the laws, classes the Ku Klux Klan's intimidation tactics as federal offenses, authorizes the president to call out the militia to suppress conspiracies against the operation of the federal government, and empowers the president to suspend the writ of *habeas corpus* if violence rendered efforts to suppress the Klan ineffective. Grant suspends *habeas corpus* in nine South Carolina counties and calls out the army to help arrest hundreds of Klansmen. Later arrests in other states, done without suspension of *habeas corpus*, broke up the Klan across the South, though very few Klansmen were actually prosecuted.

- **November –** Democratic Party takes control of new legislature in Georgia, forcing the state's Republican governor to flee. In a special election in December, Democrats reclaim the governor's seat and establish control of the state.

1872

- **June –** Congress votes to shut down the Freedmen's Bureau by the end of that month.

- **November 5** – Ulysses S. Grant is elected for second term. Encouraged by new federal protections for voting rights, black and white women in the North and the South attempt to vote. Susan B. Anthony and other activist women in Rochester, New York, manage to vote but are arrested days later.

1873

Murder of Louisiana Sacrificed on the Altar of Radicalism, 1871. A political commentary on disputed 1872 gubernatorial election of carpetbagger William P. Kellogg in Louisiana. Print by A. Zenneck. Courtesy of LOC P&P.

- **January 14** – After the disputed 1872 gubernatorial election in Louisiana, both a Republican and Democratic governor are sworn into office by two factions of the state legislature. Although President Ulysses S. Grant intervenes and declares the Republican as governor, the disputed election triggers two years of political violence in Louisiana.

- **March 4** – Former slave John R. Lynch is elected to House of Representatives from Mississippi.

- **April 13** – Easter, the Colfax Massacre. In the wake of a contested election for governor of Louisiana, a white militia attacks freedmen and the black state militia at the courthouse in Colfax, Louisiana. Three whites and scores of African Americans (between 80 and 150) die. Most of the freemen are murdered after they surrender, including nearly fifty who are killed after being held as prisoners for several hours.

- **April 14** – In the *Slaughter-House Cases* the Supreme Court votes 5–4 that the national citizenship promised by the Fourteenth Amendment guarantees very few rights and privileges and does not restrict the police powers of the states. Dissenting Justice Stephen J. Field notes that the opinion effectively renders the Fourteenth Amendment a "vain and idle enactment." The Court also rules in *Bradwell v. Illinois* that the amendment's promise of equal citizenship rights did not help Myra Bradwell, a Chicago lawyer who was denied admission to the bar because she was a woman.

- **September 18** – Philadelphia investment house led by Jay Cooke goes under, dragged down by speculation in overpriced railroad bonds. Cooke's failure sends shock waves through the economy. Burdened by debt, 89 of the nation's 364 railroads go bankrupt, and 18,000 businesses fail in the Panic of 1873.

1874

- **January** – With the inauguration of a Democratic governor to a 102-gun salute, Texas returns to Democratic rule, ending state Reconstruction.

- **March –** Describing themselves as defenders of a "hereditary civilization and Christianity menaced by a stupid Africanization," a group of Confederate veterans in Louisiana form the White League. Their stated purpose was "the extermination of the carpetbag element" and restoration of white supremacy. Unlike the secret Ku Klux Klan, the White League operates openly to eliminate Republican rule by targeting local Republican officeholders for assassination and terrorizing freedmen. Similar organizations, called the White Line and the Red Shirts, were organized in Mississippi in 1875, South and North Carolina in 1876.

- **August 25–29** – Coushatta Massacre. The White League captures and kills six white Republican office holders in Coushatta, Louisiana, along with twenty freedmen.

- **September 14**– In New Orleans, political violence continues. Still contesting the gubernatorial election of 1872, thousands of the White League armed militia march into the city, then the seat of government, where they outnumber the integrated city police and black state militia forces. The White League defeats Republican forces and demands that Governor William P. Kellogg leave office. The Democratic candidate John McEnery is installed and White Leaguers occupy the capital, state house, and arsenal. The White League withdraws three days later in advance of federal troops arriving to reinforce the Republican state government.

- **November** – Nationally, Democrats win crushing victories in the midterm elections, gaining control of the House of Representatives for the first time since the Civil War. Democrats also win control of the legislatures in Arkansas and Alabama.

- **December** - Armed white gangs murder as many as three hundred blacks in a violent coup to depose the biracial government of Vicksburg, Mississippi, setting the precedent for the Mississippi Plan.

1875

- **March 1** – Civil Rights Act of 1875 is signed. The act guarantees everyone, regardless of race, color, or previous condition of servitude, the same treatment in public accommodations such as railroads, hotels, and restaurants. A different bill to empower the president to suspend *habeas corpus* and dispatch the army to protect voting rights, however, fails to pass.

The Shackle Broken by the Genius of Freedom, 1874. Representative for South Carolina Robert B. Elliott is delivering his famous speech in the House of Representatives in support of the Civil Rights Act on January 6, 1874. Lithograph by E. Sachse & Company. Courtesy of LOC P&P.

- **March 4** – Blanche Bruce of Mississippi becomes the second African American and the only former slave to serve in the US Senate. He is the last black senator to represent a southern state until 2013.

- **The Mississippi Plan of 1875** is devised by the Democratic Party to overthrow the Republicans in Mississippi. Democrats organize to terrorize and manipulate black voters and their families and tamper with ballot boxes to ensure that they regain control of the legislature and governor's office. Governor Adelbert Ames pleads for help from President Grant and the army, but Grant delays until it is too late, fearful of Democrats in Congress. The Mississippi Democrats succeed in their aims, and white Democrats in South Carolina follow their lead the next year.

1876

- **March** – Under threat of impeachment from the newly elected Democratic majority in the Mississippi legislature, Republican Governor Adelbert Ames resigns and is replaced by a Democrat, giving the party complete control of the state.

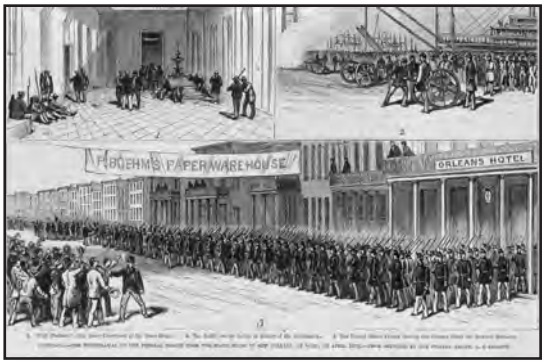
- **March** – In the case of *US v. Cruikshank*, the Supreme Court finds that under the Enforcement Act of 1870, Congress had gone too far in saying that the federal courts could convict people for denying blacks their rights under the Fourteenth Amendment. Because of this holding, the white culprits in the Colfax massacre go free.

- **July 8** – The Hamburg Massacre – Hundreds of armed whites try to disarm the local black militia of Hamburg, South Carolina. Six blacks and one white are killed. The incident launches the furious 1876 Democratic campaign for South Carolina's "Redemption," inaugurating single-party white supremacist rule and leading to nearly a century of Jim Crow denial of civil rights.

- **November –** In a series of fraudulent and violent elections in the last Republican states in the South—South Carolina, Louisiana, and Florida—Democrats claim that they narrowly prevail. But Republicans also claim victories based in part upon disqualifying fraudulent votes. These contested states in turn throw the presidential race into turmoil, as both parties claim victory for their candidates – Samuel J. Tilden for the Democrats and Rutherford B. Hayes for the Republicans. After much legal and political maneuvering, and intense lobbying, the parties establish an electoral commission to resolve the election. By a single vote the commission grants all the disputed electoral votes to Hayes.

1877

- **April –** President Hayes withdraws troops stationed around the South Carolina statehouse. US Army soldiers remain in the city, but the tottering Republican government collapses. Later in the month, a similar process occurs in Louisiana, where the withdrawal of soldiers from the legislative meeting rooms leads to Democratic victory. With these acts, Democratic control of the former rebel states is essentially complete.



Louisiana – The Withdrawal of the Federal Troops from the State House in New Orleans, at Noon, April 24, 1877. Illustration by A. J. Bennett. *Frank Leslie's Illustrated Newspaper* (May 19, 1877): 192. Courtesy of LOC P&P.

1879

- **Spring** – Approximately six thousand African Americans refuse to live in a violent South and migrate to Kansas, the first of

some forty-thousand blacks who fled the repression of the Mississippi River states to settle in Kansas, Oklahoma, and Colorado. They become known as Exodusters. In the 1880s, blacks will acquire more than twenty-thousand acres of land in Kansas, and several of the settlements made during this time, such as Nicodemus, Kansas, still exist today. Former slave Henry Adams, who had studied conditions across the South in hopes of finding safe places there, becomes a leader in the movement to the West.

- **October 1 –** *Virginia v. Rives*. The Supreme Court decides that the absence of blacks from juries does not necessarily mean that they are denied the right to serve; by this decision, local officials can effectively deny that right through the selection process.

1881

- **April 11** – Spelman Seminary is founded as the Atlanta Baptist Female Seminary.

- **July 4** – Booker T. Washington opens the Tuskegee Normal and Industrial Institute in Tuskegee, Alabama.

1883

- **October 16** – *Civil Rights Cases* – The Supreme Court holds that Congress lacks the constitutional authority under the enforcement provisions of the Fourteenth Amendment to outlaw racial discrimination in public accommodations including railroads and hotels. That fall, Ida B. Wells of Memphis, Tennessee, becomes one of many African American women to protest racial discrimination on the nation's railroads, steamboats, and streetcars. Even though Wells purchased a first-class ticket, railroad officials had demanded that she ride in the Jim Crow car. Wells sues the railroad company twice for violating state law. After winning her initial lawsuits, her victories are overturned by the Tennessee supreme court.

1887

- **October 3** – The State Normal School for Colored Students, which would become Florida A&M University, is founded.

1890

- **November 1** – The Mississippi legislature, dominated by white Democrats, passes a new constitution that includes poll taxes, residency tests, and literacy tests designed to stop African Americans from participating in politics and public life.

1892

- With antiblack lynching at its peak, Ida B. Wells leaves Memphis and publishes her pamphlet *Southern Horrors: Lynch Law in All Its Phases* from New York.

1895

- **September 10** – South Carolina constitutional convention convenes to disenfranchise black men and establish Jim Crow segregation. Robert Smalls, former slave and congressman who had helped establish black civil rights in the 1867 state convention, fights unsuccessfully against the rollback as one of a handful of black delegates.

- **September 18** – Booker T. Washington delivers his Atlanta Compromise address at the Cotton States and International Exposition in Atlanta, Georgia.

1896

- **May 18** – In *Plessy v. Ferguson*, the Supreme Court upholds racial segregation of "separate but equal" facilities.

  > We think the enforced separation of the races…neither abridges the privileges or immunities of the colored man, deprives him of his property without due process of law, nor denies him the equal protection of the laws, within the meaning of the fourteenth amendment….If one race be inferior to the other socially, the constitution of the United States cannot put them upon the same plane.

- **July 21 –** Building on work they had been doing in communities across the country, African American women activists form the National Association of Colored Women while meeting at Nineteenth Street Baptist Church in Washington, DC. In the coming decades the organization would work to stop lynching, fight poverty, and secure black communities' access to education and other resources.

- **August –** The National Ex–Slave Mutual Relief, Bounty, and Pension Association of the United States is founded to push for pensions for former slaves as reparations for the economic theft of slavery. Former slave Callie House of Nashville becomes a national leader in the movement, which claimed hundreds of thousands of members and which unsuccessfully sued the government for proceeds from an 1860s tax on cotton. After years of trying to shut down the organization, the US Post Office successfully lobbied to have House arrested for mail fraud, and she was sentenced to a year in jail by an all–white jury.

1898

- **April 25** – In *Williams v. Mississippi* the Supreme Court upholds the voter registration and election provisions of Mississippi's constitution because they do not explicitly discriminate against African Americans. Following *Williams,* other southern states adopt similar provisions. Such measures disenfranchise most African Americans and tens of thousands of poor whites until the 1960s, when new federal legislation overturns them.

- **May 12 –** Louisiana enacts the first state-wide grandfather clause that provides exemption for illiterate whites to voter registration literacy test requirements.

- **November 10** – White Democratic insurgents overthrow the legitimately elected local government of Wilmington, North Carolina. A mob of nearly 2,000 men attack the only black newspaper in the state, and persons and property in black neighborhoods, killing an estimated 15 to more than 60 victims.

1901

- **January** – Black Republican Congressman George White, forced to flee his North Carolina district after the Wilmington massacre, introduces the first anti-lynching bill in the House of Representatives. In his final speech he chastises the government for failing to live up to its obligations to protect freedpeople and promises that "Phoenix-like" black men "will rise up some day and come again." With White's exit, no black men will represent a former Confederate state in Congress for more than seventy years.

- **October 16** – Booker T. Washington has dinner with President Theodore Roosevelt at the White House. South Carolina Senator Benjamin Tillman stated that "The action of President Roosevelt in entertaining that nigger will necessitate our killing a thousand niggers in the South before they learn their place again."

1905

- **July** – At a meeting in Niagara Falls, W.E.B. DuBois, William Monroe Trotter, and other black leaders who oppose Booker T. Washington's seemingly more accommodationist stance meet to plan strategies to oppose segregation and disenfranchisement. The organization dwindles after internal strife but establishes some of the networks that became the National Association for the Advancement of Colored People in 1910.

Publication assistance provided by Eastern National.